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TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10296

PROVIDING FOR THE PERFORMANCE OF CERTAIN DEFENSE HOUSING AND COMMUNITY FACILITIES AND SERVICES FUNCTIONS

By virtue of the authority vested in me by the Defense Housing and Community Facilities and Services Act of 1951 (Public Law 139, 82nd Congress) and the act of August 8, 1950, ch. 646, 64 Stat. 419, and as President of the United States, and having found, with respect to paragraph 4 hereof and in accordance with section 314 of the said Defense Housing and Community Facilities and Services Act of 1951, that the Federal Security Administrator is performing, or has facilities adapted to the performance of, functions similar or directly related to those transferred to him by paragraph 4 of this order, and that the transfers therein ordered will assist the furtherance of national-defense activities, it is ordered as follows:

1. The Director of Defense Mobilization is hereby designated and empowered to perform, without the approval, ratification, or other action of the President, the function vested in the President by section 101 of the said Defense Housing and Community Facilities and Services Act of 1951 of determining critical defense-housing areas and of making the findings relative to such determinations required by section 101 (b) of the said Act.

2. The Defense Production Administrator is hereby designated and empowered to perform, without the approval, ratification, or other action of the President, the following-described functions vested in the President by the said Defense Housing and Community Facilities and Services Act of 1951, hereinafter referred to as the Act:

(a) The authority vested in the President by section 401 of the Act to define defense installations, and to make findings that in connection with any defense installation developed or to be developed in an isolated or relatively isolated area (1) housing or community facilities needed for such installation would not otherwise be provided when and where required or (2) there would otherwise be speculation or uneconomic use of land resources which would impair the efficiency of defense activities at such installation.

(b) The authority vested in the President by section 402 of the Act to make findings that it is necessary or desirable in the public interest that land shall be acquired by the Housing and Home Finance Administrator not only for the purposes of section 401 of the Act but also for the defense installation to be served thereby.

3. The Housing and Home Finance Administrator is hereby designated and empowered to perform, without the approval, ratification, or other action of the President, the function vested in the President by section 102 (b) of the Act, relative to the suspension and relaxation of residential credit restrictions under the Defense Production Act of 1950, as amended.

4. Except as provided in paragraph 5 hereof, the functions authorized by Title III of the Act to be performed with respect to or in furtherance of the provision, maintenance, or operation of community facilities for, and with respect to or in furtherance of the provision of community services for, recreation and child day-care centers are hereby transferred to the Federal Security Administrator and shall be performed by him or by such officers and units of the Federal Security Agency as he may determine.

5. There are hereby excluded from the transfers effected by paragraph 4 hereof (a) functions with respect to site selection and land acquisition for, and the construction (including the letting of construction contracts, the preparation and approval of plans and specifications, and the supervision of construction work and of expenditures therefor) of, projects approved by the Federal Security Administrator, whether such construction is performed on behalf of, or is aided by, the Federal Government, (b) the servicing of loans for the construction of projects so approved, and (c) the functions under the second and third provisos of section 304 of the Act and those under sections 103 (a) and 103 (b) of the Act: *Provided*, that (1) the Federal Security Administrator or his delegate shall determine the general layout, size, and special design features appropriate to the particular type of facility, and (2)

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THE PRESIDENT

EXECUTIVE AGENCIES

FEDERAL REGISTER

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

that final plans and specifications shall conform to such determinations.

6. In the performance of functions with respect to roads and highways under the Act, the Housing and Home Finance Administrator shall from time to time consult with the Secretary of Commerce or his representative as to the relationship of road and highway projects under the said Act to road and highway programs under the jurisdiction of the said Secretary.

7. In the performance of functions under Title III of the Act in Territories there shall be consultation with the Secretary of the Interior or his representative as to the relationship of proposed facilities and services in Territories to Territorial programs of the Department of the Interior.

8. The Housing and Home Finance Administrator, in connection with the performance of the pertinent functions vested in him by Title III of the Act, shall obtain the approval of the Surgeon General of the Public Health Service or his representative with respect to the public health aspects of sources of water supply developed, utilized, or aided by the said Administrator, and shall consult with the Surgeon General or his representative with respect to the public health aspects of water distribution systems and sewerage systems constructed or aided by the Administrator.

9. Subject to the consent of the Housing and Home Finance Administrator, the Surgeon General of the Public Health Service shall utilize the facilities and services of the Housing and Home Finance Agency for the performance of the following aspects of the functions conferred upon him by section 316 of the Act: (a) the construction by the Federal Government of projects approved by the Surgeon General (including the letting of construction contracts, the preparation or review of plans and specifications, and the supervision of construction work and expenditures therefor), (b) land acquisition for projects to be so constructed, and (c) the obtaining of information required for the purpose of, and the furnishing of recommendations with respect to, (i) the findings provided for in sections 103 (a) and 103 (b) of the Act, and (ii) the actions provided for in the second and third provisos of section 304 of the Act. The Surgeon General shall pay the Housing and Home Finance Agency for such utilization, either in advance or otherwise, out of funds available to him for the performance of such functions.

10. Subject to the consent of the Federal Security Administrator, the Housing and Home Finance Administrator shall utilize the facilities and services of the Federal Security Agency in connection with the providing of library facilities under Title III of the Act in such manner that the division of work with respect to library facilities as between the Housing and Home Finance Administrator and the Federal Security Administrator will be the same as that with respect to recreation and child day-care center facilities as indicated in paragraphs 4 and 5 of this order. The Housing and Home Finance Administrator shall pay the Federal Security Administrator for such utilization, either in advance or otherwise, out of funds available to the Housing and Home Finance Administrator for the performance of the functions involved.

11. Paragraphs 9 and 10 shall not be construed as a limitation upon the Surgeon General or the Housing and Home Finance Administrator, as the case may be, with respect to utilization or delegation other than that referred to in such paragraphs and not inconsistent with the provisions of such paragraphs, respectively, or as divesting either the Surgeon General or the Administrator of any function conferred upon him by the Act.

12. As used in this order the term "functions" embraces duties, powers, responsibilities, authority, or discretion, and the term "perform" may be construed to mean "exercise".

HARRY S. TRUMAN

THE WHITE HOUSE,
October 2, 1951.

[F. R. Doc. 51-12066; Filed, Oct. 3, 1951; 9:42 a. m.]

RULES AND REGULATIONS

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1951 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 2, Rice]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1951-CROP RICE LOAN AND PURCHASE AGREEMENT PROGRAM

MISCELLANEOUS AMENDMENTS

Regulations issued by the Commodity Credit Corporation and the Production and Marketing Administration published in 16 F. R. 6907 and 7869, and containing the requirements for the 1951-crop rice loan and purchase agreement program are hereby amended as follows:

1. Section 601.1003, paragraph (d), is amended to make rice showing a head yield of less than 25 pounds per 100 pounds of rough rice eligible for price support at the rate determined for broken rice, so that the paragraph reads as follows:

§ 601.1003 *Eligible rice.* * * *

(d) The rice must (1) grade U. S. No. 5 or better (rice of special grades shall not be eligible rice); (2) show a minimum milling yield of 25 pounds of head rice from 100 pounds of rough rice, except that rice showing a yield of less than 25 pounds of head rice from 100 pounds of rough rice will be eligible for support at a basic rate computed by applying the value factor for broken rice to the total yield of head and broken rice; and (3) contain not more than 14 percent moisture.

2. Section 601.1008 (a) is amended by incorporating a subparagraph to provide the formula for computing the basic loan or purchase rate for rice showing a milling yield of less than 25 pounds of head rice from 100 pounds of rough rice, so that the paragraph reads as follows:

§ 601.1008 *Support rates.* * * *

(a) *Basic rates.* The basic support rate for 100 pounds of rough rice in approved storage and with all accrued charges paid through April 30, 1952, shall be computed as follows:

(1) For rice showing a minimum milling yield of 25 pounds of head rice from 100 pounds of rough rice, multiply the yield (in pounds per hundredweight) of head rice by the applicable value factor for head rice (as shown in the table below according to class). Similarly, multiply the difference between the total yield and head rice yield (in pounds per hundredweight) by the applicable value factor for broken rice. Add the results of these two computations to obtain the basic loan or purchase rate per 100 pounds of rough rice and express such rate in dollars and cents, rounded to the nearest whole cent.

(2) For rice showing a milling yield of less than 25 pounds of head rice from 100 pounds of rough rice, multiply the total milling yield (in pounds per hundredweight) by the value factor for broken rice to obtain the basic loan or purchase rate per 100 pounds of rough rice and express such rate in dollars and cents, rounded to the nearest whole cent.

VALUE FACTORS FOR HEAD AND BROKEN RICE

Rough rice class	Head rice	Broken rice
Rexoro (including Rexark), Patna, Blue Bonnet, and Nira	0.0967	0.0400
Fortuna, R. N., and Edith	.0897	.0400
Blue Rose (including Improved Blue Rose, Greater Blue Rose, Kanrose and Arkrose), Magnolia, Zenith, Prelude, and Lady Wright	.0822	.0400
Early Prolific, Pearl, Calady, Calrose, and other classes	.0736	.0400

3. Section 601.1010 (a) is amended to provide for computation of the settlement value of rice on which the loan was made on the basis of a head yield of 25 pounds or more, but which showed a head yield of less than 25 pounds at time of delivery, by applying the respective value factors to the head yield and broken yield at time of delivery, so that the paragraph reads as follows:

§ 601.1010 *Settlement*—(a) *Farm-storage and identity-preserved warehouse-storage loans.* (1) In the case of rice delivered to CCC from farm-storage or identity-preserved warehouse storage under the loan program, settlement will be made at the applicable support rate for the grade and quality of the total quantity of rice delivered, except that the settlement value for any lot of rice on which the loan was made on the basis of a head yield of 25 pounds or more, but which shows a head yield of less than 25 pounds at time of delivery, shall be computed by multiplying the head yield and broken yield at time of delivery, by their respective value factors. The producer shall, at his expense, furnish to the county committee at the time of delivery official weight certificates and Federal or Federal-State lot inspection certificates dated subsequent to April 30, 1952. If the producer fails to furnish such weight and inspection certificates and does not pay off his loan, the county committee shall order the rice weighed-up and inspected, pay the costs of such weighing and inspection, and charge such costs to the producer when making settlement.

(2) If the rice under farm-storage or identity-preserved warehouse-storage loan is, upon delivery, of a grade for which no support rate has been established, the settlement value shall be the support rate established for the grade and milling yield of the rice placed under loan, less the difference, if any, at the time of delivery, between the market price for the grade and milling yield placed under loan and the market price of the rice delivered, as determined by CCC.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup., 714b. Interpret or apply sec. 5, 62 Stat. 1072; secs. 101, 401, 63 Stat. 1051, 1054; 15 U. S. C. Sup., 714c, 7 U. S. C. Sup., 1441, 1421)

Issued this 1st day of October 1951.

[SEAL] JOHN H. DEAN,
Acting Vice President,
Commodity Credit Corporation.

Approved:

G. F. GEISSLER,
President,
Commodity Credit Corporation.

[F. R. Doc. 51-11979; Filed, Oct. 3, 1951; 8:58 a. m.]

[1951 CCC Cotton Bulletin 1, Amdt. 1, Supp. 1]

PART 607—COTTON

SUBPART—1951 COTTON LOAN PROGRAM

SCHEDULE OF BASE LOAN RATES FOR WAREHOUSE-STORED COTTON

The regulations issued by the Commodity Credit Corporation and the Production and Marketing Administration published in 16 F. R. 8314, 8315, and 8317 and containing the Schedule of Base Loan Rates for Warehouse-Stored Cotton are hereby amended as follows:

Under § 607.250 *Basic loan rates by warehouse locations,* the following corrections are made:

State	City and county	Loan rate
	From	
Georgia	Cadwell, Laurence	32.35
	To	
Georgia	Cadwell, Laurens	32.35

State	City and county	Loan rate
	From	
Georgia	Greensboro, Greene	43.45
	To	
Georgia	Greensboro, Greene	32.45
	From	
Louisiana	Alexander, Rapides	31.61
	To	
Louisiana	Alexandria, Rapides	31.61
	From	
Mississippi	Hattiesburg, Forest	31.70
	To	
Mississippi	Hattiesburg, Forrest	31.70
	From	
Mississippi	Laurel, Jones	32.70
	To	
Mississippi	Laurel, Jones	31.70
	From	
New Mexico	Roswell, Chaves	31.37
	To	
New Mexico	Roswell, Chaves	31.38
	From	
North Carolina	Battlesboro, Nash	32.48
	To	
North Carolina	Battleboro, Nash	32.48
	From	
North Carolina	Cander, Montgomery	32.55
	To	
North Carolina	Candor, Montgomery	32.55
	From	
Texas	Calbert, Robertson	31.54
	To	
Texas	Calvert, Robertson	31.54
	From	
Texas	Madisonville, Madison	51.54
	To	
Texas	Madisonville, Madison	71.54
	From	
Texas	Nacogdoches, Macogdoches.	31.61
	To	
Texas	Nacogdoches, Nacogdoches.	31.61
	Delete	
Tennessee	Memphis, Shelby	31.75

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U. S. C. Sup., 714c, 7 U. S. C. Sup., 1441, 1421)

Issued this 1st day of October 1951.

[SEAL] JOHN H. DEAN,
Acting Vice President,
Commodity Credit Corporation.

Approved:

G. F. GEISSLER,
President,
Commodity Credit Corporation.

[F. R. Doc. 51-11980; Filed, Oct. 3, 1951; 8:59 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 947—MILK IN THE FALL RIVER, MASS., MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

NOTE: Federal Register Document 51-11766, appearing at page 9941 of the issue for Saturday, September 29, 1951, adopted all of the findings, terms, and provisions of the "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Fall River, Mass., Marketing Area" which was annexed to and made a part of the decision of the Secretary of Agriculture issued September 17, 1951 (16 F. R. 9573; F. R. Doc. 51-11369). The full text of the order amending the order, as amended, regulating the handling of milk in the Fall River, Mass., marketing area is set forth below.

AUTHORITY: §§ 947.0 to 947.94 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c.

§ 947.0 *Findings and determinations.* The findings and determinations set forth in this section are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth in this section.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Fall River, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act:

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amend-

ed, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary to make the present amendment to the said order, as amended, effective not later than October 1, 1951, to reflect current marketing conditions. Any further delay in the effective date of this order amending the said order, as amended, will seriously disrupt the orderly marketing of milk in the Fall River, Massachusetts, marketing area. The changes effected by this order amending the order, as amended, do not require of persons affected substantial or extensive preparation prior to the effective date. In view of the foregoing, it is impractical, unnecessary, and contrary to the public interest to delay the effective date of this order for 30 days after its publication (sec. 4 (c), Administrative Procedure Act, Pub. Law 404, 79th Cong., 60 Stat. 237).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping milk covered by this order, as amended, and as hereby further amended) of more than 50 percent of the volume of milk covered by this order, as amended, and as hereby further amended, which is marketed within the said marketing area, refused or failed to sign the marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of the producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order as amended is approved or favored by at least two-thirds of the producers who participated in a referendum on the question of its approval and who, during April, 1951 (said month having been determined to be a representative period), were engaged in the production of milk for sale in the said marketing area (Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and sup 608c).

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Fall River, Massachusetts, marketing area shall be in conformity to and in compliance with the following terms and conditions:

DEFINITIONS

§ 947.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 947.2 *Secretary.* "Secretary" means the Secretary of Agriculture or such other officer or employee of the United States authorized to exercise the powers and to perform the duties of the said Secretary of Agriculture.

§ 947.3 *Fall River, Massachusetts, marketing area.* "Fall River, Massachusetts, marketing area," hereinafter called the "marketing area" means the city of Fall River and the town of Somerset, both in the Commonwealth of Massachusetts, and the town of Tiverton in the State of Rhode Island.

§ 947.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 947.5 *Dairy farmer.* "Dairy farmer" means any person who produces milk.

§ 947.6 *Producer.* "Producer" means any dairy farmer, irrespective of whether such dairy farmer is also a handler, whose milk is received at a plant from which Class I milk is shipped to, or sold in the marketing area either directly or through another plant during the delivery period: *Provided,* That a dairy farmer shall not be a producer within this definition:

(a) If minimum prices are required to be paid to him under provisions of any other Federal order;

(b) If milk delivered by him is determined by the market administrator to be a part of the handler's normal supply for a market other than the marketing area and (1) is classified in Class II or is disposed of outside the marketing area and is classified as Class I, or (2) is moved to a plant from which the quantity of Class I milk sold or distributed in the marketing area during the delivery period is no greater than the quantity of Class I milk received during the delivery period at such plant from Fall River handlers plus the quantity of bulk milk received from a Federal order plant during the delivery period; or

(c) If his milk is delivered to a plant located outside Maine, New Hampshire, Vermont, Connecticut, Massachusetts, Rhode Island, and New York.

§ 947.7 *Dairy farmers designated for other markets.* "Dairy farmers designated for other markets" means those dairy farmers which are reported to the market administrator by a handler as his normal supply for a market other than the marketing area.

§ 947.8 *Cooperative association.* "Cooperative association" means any association of producers or producers and dairy farmers which the Secretary determines (a) to have its entire activities under the control of its members, and (b) to have and to be exercising full authority in the sale of milk of its members.

§ 947.9 *Handler.* "Handler" means any person, irrespective of whether such person is also a dairy farmer, a producer, or a cooperative association, who operates a plant at which he receives milk from producers, dairy farmers, cooperative associations, or other handlers, all or a portion of which milk is disposed of as Class I milk in the marketing area during the delivery period. The term shall also include a cooperative association which does not operate a plant, with respect to producer milk which it markets for its account, disposing of all or a portion thereof to other handlers.

§ 947.10 *Producer-handler.* "Producer-handler" means a producer who is also a handler who receives no milk from producers and who, during the delivery period, disposes of no more than 1,000 pounds on a daily average of milk and milk drinks other than in bulk to another handler or producer-handler: *Provided,* That such handler shall furnish to the market administrator for his verification, subject to review by the Secretary, evidence that the maintenance, care, and management of the dairy animals and other resources necessary for the production of milk in his name are and continue to be the personal enterprise of and at the personal risk of such producer and the processing, packaging, and distribution of the milk are and continue to be the personal enterprise of and at the personal risk of such producer in his capacity as a handler.

(a) Sections under headings "Minimum Prices", "Payments for Milk", "Marketing Service Deductions", and "Administration Expense" are not applicable to any producer-handler as defined in this subpart.

(b) Milk received by a handler from a producer-handler shall be considered as being received from a producer.

§ 947.11 *Milk.* "Milk" means the commodity received from a dairy farmer at a plant as cow's milk. The term also includes milk so received which later has its butterfat content adjusted to at least one-half of 1 percent but less than 16 percent, frozen milk, and reconstituted milk.

§ 947.12 *Concentrated milk.* "Concentrated milk" means any unsterilized liquid milk product, other than those products commonly known as evaporated milk and sweetened condensed milk, which is obtained by the evaporation of water from milk and milk to which any other milk product may be added in the process of manufacture. For purposes of this part the weight of the fluid milk products used to produce the concentrated milk shall be used rather than the actual weight of the concentrated milk.

§ 947.13 *Milk drinks.* "Milk drinks" means flavored milk, skim milk, flavored skim milk, cultured skim milk, and buttermilk, either individually or collectively.

§ 947.14 *Fluid milk products.* "Fluid milk products" means milk, flavored milk, cream, skim milk, flavored skim milk, cultured skim milk, buttermilk, and concentrated milk, either individually or collectively.

§ 947.15 *Other source milk.* "Other source milk" means all milk and milk products received by a handler which is not producer milk, milk delivered by dairy farmers designated for other mar-

kets, or milk and milk drinks from a Federal order plant.

§ 947.16 *Federal order.* "Federal order" means any order of the Secretary regulating the handling of milk pursuant to the act.

§ 947.17 *Federal order plant.* "Federal order plant" means any plant at which the milk is subject to the minimum pricing provisions of another Federal order during the delivery period.

§ 947.18 *Hundredweight.* "Hundredweight" means one hundred pounds of milk or its volume equivalent, considering 85 pounds of milk and 86 pounds of skim milk per 40-quart can, and 2.15 pounds of milk per quart.

§ 947.19 *Delivery period.* "Delivery period" means the calendar month, or the portion thereof, during which the provisions of this subpart are effective.

MARKET ADMINISTRATOR

§ 947.30 *Designation.* The agency for the administration of this subpart shall be a market administrator who shall be a person selected and subject to removal by the Secretary. The market administrator shall, within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary. The market administrator shall be entitled to such reasonable compensation as shall be determined by the Secretary.

§ 947.31 *Powers.* The market administrator shall have the power to:

(a) Administer the terms and provisions of this subpart;

(b) Report to the Secretary complaints of violations of this subpart;

(c) Make rules and regulations to effectuate the terms and provisions of this subpart; and

(d) Recommend to the Secretary amendments to this subpart.

§ 947.32 *Duties.* The market administrator, in addition to the duties hereinafter described, shall:

(a) Keep such books and records as will clearly reflect the transactions provided for in this subpart;

(b) Submit his books and records for examination by the Secretary at any and all times;

(c) Furnish such information and such verified reports as the Secretary may request;

(d) Obtain a bond with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(e) Publicly disclose, after reasonable notice, the name of any person who has not made reports or payments required by the subpart;

(f) Prepare and disseminate, for the benefit of producers, consumers, and handlers, such statistics and information concerning the operation of this subpart as do not reveal confidential information;

(g) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions of this subpart;

(h) Pay out of the funds received pursuant to § 947.80 the cost of his bond and of the bonds of such of his employees as handle funds entrusted to the market administrator, his own compensation, and all other expenses which will necessarily be incurred by him for the maintenance and functioning of his office and the performance of his duties;

(i) Promptly verify the information contained in the reports submitted by handlers; and

(j) Verify, subject to review by the Secretary, evidence furnished by handlers pursuant to § 947.10, such verification to be made within 15 days of the date of receipt of such evidence, and to be effective from the first day of the delivery period during which verification is made.

REPORTS OF HANDLERS

§ 947.35 *Submission of reports.* Each handler shall report to the market administrator in the form and detail prescribed by the market administrator as follows:

(a) On or before the 8th day after the end of each delivery period, the receipts of milk and milk products at each plant from producers, from other handlers, from such handler's own production, from any other sources during the delivery period, and inventories on hand at the beginning and end of each such delivery period;

(b) On or before the 8th day after the end of each delivery period, the respective quantities of milk and milk products which were sold, distributed, or disposed of, including sales or deliveries to other handlers during the delivery period, for the several purposes and classifications as set forth in this subpart;

(c) On or before the 20th day of each delivery period, each handler shall report to the market administrator the receipts of milk from producers received during the first 15 days of such delivery period showing for each producer:

(1) The daily and total receipts of milk;

(2) The average butterfat test thereof; and

(3) The current post-office address and farm location of producers for whom information has not been previously reported.

(d) On or before the 8th day after the end of each delivery period, each handler shall report to the market administrator his receipts of milk from producers received during the period from the 16th through the last day of the delivery period showing for each producer:

(1) The daily and total receipts of milk;

(2) The average butterfat test thereof; and

(3) The current post-office address and farm location of producers for whom information has not been previously reported.

(e) On or before the 25th day after the end of each delivery period each handler shall submit to the market administrator his producer records for such delivery period which shall show for each producer:

(1) The total pounds of milk delivered and the average butterfat test thereof; and

(2) The net amount of such handler's payments to each producer and each cooperative association made pursuant to § 947.65 together with the prices, deductions, and charges involved.

(f) On or before the 18th day after the end of the first delivery period following the effective date of this subpart, a schedule of the transportation rates which were charged and paid for the transportation of milk from the farm of each producer to such handler's receiving plant and such information with respect to distances involved as the market administrator may require;

(g) On or before the 18th day after any changes are made in the schedule filed in accordance with paragraph (f) of this section, a copy of the revised schedule with the effective dates of such changes as may appear in the revised schedule; and

(h) On or before the 8th day after the end of each delivery period, dairy farmers designated for other markets.

§ 947.36 *Verification of reports.* For the purpose of ascertaining the correctness of any report made to the market administrator as required by this subpart or for the purpose of obtaining the information required in any such report where it has been requested and has not been furnished, each handler shall permit the market administrator or his agent, during the usual business hours, to:

(a) Verify the information contained in reports submitted in accordance with this subpart;

(b) Weigh, sample, and test milk and milk products; and

(c) Make such examination of records, operations, equipment, and facilities as the market administrator finds necessary for the purpose specified in this section.

§ 947.37 *Maintenance of records.* Each handler shall maintain detailed and summary records showing all receipts, movements, and disposition of milk and milk products during the delivery period and the quantities of milk and milk products on hand at the end of the delivery period.

§ 947.38 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written

notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 947.40 *Responsibility of handlers.* In establishing the classification of milk and milk products received by a handler, the burden rests upon the handler who received milk from producers to account for all milk and milk products received at each plant at which milk is received from producers, and to prove that such milk and milk products should not be classified as Class I. The burden rests upon the handler who distributes milk and milk drinks in the marketing area to establish the source of all milk and milk products received.

§ 947.41 *Classes of utilization.* The classes of utilization of milk and milk products shall be as follows subject to §§ 947.42 and 947.43.

(a) Class I milk shall be all milk and milk products the utilization of which is not established as Class II milk.

(b) Class II milk shall be all milk and milk products the utilization of which is accounted for as:

(1) Sold, distributed, or disposed of other than as milk which contains one-half of 1 percent or more but less than 16 percent of butterfat, and other than as concentrated milk for fluid consumption, chocolate or flavored whole milk or skim milk, buttermilk, or cultured skim milk, for human consumption; and

(2) Actual plant shrinkage not in excess of 2 percent of milk and milk drinks received from all sources including the handler's own production but not including receipts from other handlers who receive milk from producers or milk and milk products received completely processed and packaged from a Federal order plant.

§ 947.42 *Transfers of milk and milk drinks from a plant at which milk is received from producers.* (a) Transfers to a producer-handler shall be Class I.

(b) Transfers to another handler not a producer-handler or to a Federal order plant shall be classified as reported by the seller, or if the seller submits no report, as reported by the buyer: *Provided,* That, except in the case of transfers to a Boston Federal order plant, the quantity classified as Class II milk shall not exceed the total quantity of Class II milk of such buyer during the delivery period.

(c) Transfers to a plant, other than a handler's plant at which milk is received from producers or a Federal order plant, shall be Class I not to exceed the total Class I at such plant during the delivery period.

§ 947.43 *Classification of milk and milk products received at plants at which milk is received from producers.* For each delivery period each handler shall report the classification of milk and milk products which were received at plants at which milk is received from producers by making computations in the order indicated as follows:

(a) Determine the pounds of milk and milk products received at all plants of the handler at which milk is received from producers;

(1) From producers, including own production;

(2) From dairy farmers designated for other markets;

(3) In the form of milk products received completely processed and packaged from a Federal order plant;

(4) In the form of bulk milk and milk drinks received from another Federal order plant;

(5) From other handlers who receive milk from producers; and

(6) From other sources, and the total,

(b) Determine the total pounds of milk and milk products utilized in Class II products including allowable plant shrinkage as provided in § 947.41 (b) (2).

(c) Prorate allowable plant shrinkage classified as Class II to receipts from producers, from dairy farmers designated for other markets, bulk receipts of milk and milk drinks from other Federal order plants, and milk and milk drinks from other source milk, and deduct such plant shrinkage from total Class II computed pursuant to paragraph (b), of this section.

(d) Classify remaining other source milk and milk products as Class II in an amount no greater than the amount of the Class II remaining.

(e) From the remaining pounds in each class deduct:

(1) The quantity of milk and milk products received from other handlers who receive milk from producers which is classified according to § 947.42 (b); and

(2) Milk and milk products received completely processed and packaged from a Federal order plant classified according to the actual use established.

(f) Prorate remaining Class II to receipts of milk and milk drinks from producers, from dairy farmers designated for other markets, and bulk receipts from Federal order plants: *Provided,* That receipts from producers classified as Class II inclusive of plant shrinkage shall not exceed 5 percent of the total quantity received from producers, in any delivery period except April, May, and June.

(g) Deduct any remaining Class II amounts from the total quantity received from producers and the remainder is Class I producer milk.

(h) From the total receipts from each source listed in paragraph (a) of this section deduct the amount classified as Class II for each source in paragraphs (c), (d), (e), (f), and (g) of this section and the remainder from each source is Class I: *Provided,* That the total Class I utilization in the marketing area is not more than the Class I producer milk determined in this paragraph plus Class I milk received from Federal order plants and Class I milk from plants located outside Maine, New Hampshire, Vermont, Connecticut, Massachusetts, Rhode Island and New York.

MINIMUM PRICES

§ 947.50 *Class I prices.* Each handler shall pay producers or cooperative associations for Class I milk containing 3.7 percent butterfat delivered by them to plants located within 100 miles of the City Hall in Fall River, not less than the price per hundredweight determined for each delivery period pursuant to this section. In determining the Class I price for each delivery period, the latest reported figures available to the market administrator on the 25th day of the preceding month shall be used in making the following computations; except that if the 25th day of the preceding month falls on a Sunday or legal holiday, the latest reported figures available on the work day next succeeding shall be used:

(a) Divide by 0.98 the monthly wholesale price index for all commodities as reported by the Bureau of Labor Statistics, United States Department of Labor, with the year 1926 as the base period.

(b) Divide by 3 the sum of the three latest monthly indexes of department store sales in the Boston Federal Reserve District adjusted for seasonal variation as reported by the Federal Reserve System with the years 1935–39 as the base period and divide the result so obtained by 1.26.

(c) Compute an index of grain-labor costs in the Boston milkshed in the following manner:

(1) Compute the simple average of the four latest weekly average retail prices per ton of dairy ration in the Boston milkshed, as reported by the United States Department of Agriculture, divide by 0.5044 and multiply by 0.6.

(2) Compute the simple average of monthly equivalent farm wage rates for each of the states named below after converting the rates reported by the United States Department of Agriculture to monthly equivalents by multiplying the rates by the factors as follows: Rate per month with board and room, 1; rate per month with house, 1; rate per week with board and room, 4.33; rate per week without board or room, 4.33; and rate per day without board or room, 26. Next compute a weighted monthly wage rate by combining the average wage rates for the respective states with the weights; Maine 10, Massachusetts, 6, New Hampshire, 7; and Vermont, 77. Divide the weighted average monthly wage rate by 0.6394 and multiply by 0.4.

(3) Add the results determined pursuant to subparagraphs (1) and (2) of this paragraph.

(d) Divide by 3 the sum of the final results computed pursuant to the preceding paragraphs of this section. Express the result as a whole number by dropping fractions of less than one-half or by raising fractions of one-half or more to the next whole number. The result shall be known as the formula index.

(e) Subject to the succeeding paragraphs of this section, the Class I price per hundredweight shall be as shown in the following table:

CLASS I PRICE SCHEDULE

Formula index	Class I price per hundredweight		
	Jan.-Feb.-Mar.-July-Aug.-Sept.	Apr.-May-June	Oct.-Nov.-Dec.
50-56	$2.50	$2.06	$2.94
57-63	2.72	2.28	3.16
64-70	2.94	2.50	3.38
71-77	3.16	2.72	3.60
78-84	3.38	2.94	3.82
85-90	3.60	3.16	4.04
91-97	3.82	3.38	4.26
98-104	4.04	3.60	4.48
105-111	4.26	3.82	4.70
112-118	4.48	4.04	4.92
119-125	4.70	4.26	5.14
126-132	4.92	4.48	5.36
133-139	5.14	4.70	5.58
140-146	5.36	4.92	5.80
147-152	5.58	5.14	6.02
153-159	5.80	5.36	6.24
160-166	6.02	5.58	6.46
167-173	6.24	5.80	6.68
174-180	6.46	6.02	6.90
181-187	6.68	6.24	7.12
188-194	6.90	6.46	7.34

If the formula index is more than 194 the price shall be increased at the same rate as would result from further extension of this table at the rate of extension in the six highest brackets.

(f) The Class I price shall be 44 cents more than the price prescribed in paragraph (e) of this section if, under the provisions of the Boston Federal order, less than 33 percent of the milk received by all pool handlers from producers during the 12-month period ending with the second preceding calendar month was Class II milk, except that if the operation of this paragraph would cause the Class I price to be more than 88 cents above the Class I price for the corresponding delivery period of the preceding year, its application shall be limited to only such portion of the 44-cent increase as will result in a Class I price for the corresponding delivery period of the preceding year plus 88 cents.

(g) The Class I price shall be 44 cents less than the price prescribed in paragraph (e) of this section if, under the provisions of the Boston Federal order, more than 41 percent of the milk received by all pool handlers from producers during the 12-month period ending with the second preceding calendar month was Class II milk, except that if the operation of this paragraph would cause the Class I price to be more than 88 cents below the Class I price for the corresponding delivery period of the preceding year, its application shall be limited to only such portion of the 44-cent reduction as will result in a Class I price equal to the Class I price for the corresponding delivery period of the preceding year minus 88 cents.

(h) Notwithstanding the provisions of the preceding paragraphs of this section, the Class I price for any of the months of March through June of each year shall not be higher than the Class I price for the immediately preceding delivery period, and the Class I price for any of the months of September through December of each year shall not be lower than the Class I price for the immediately preceding delivery period.

(i) The Class I price determined under the preceding paragraphs of this section shall be increased or decreased to the extent of any increase or decrease in the rail tariff for the transportation of milk in carlots in tank cars for mileage distances of 201–210 miles inclusive, as published in the New England Joint Tariff, M–No. 6 and supplements thereto. The adjustment shall be made to the nearest one-half cent per hundredweight, and shall be effective in the first complete delivery period in which such increase or decrease in the rail tariff applies.

§ 947.51 *Class II prices.* Each handler shall pay producers or cooperative associations for Class II milk containing 3.7 percent butterfat delivered by them to plants located within 100 miles of the City Hall in Fall River, not less than the price per hundredweight determined for each delivery period as follows:

(a) Divide by 33 the weighted average price per 40-quart can of 40 percent bottling quality cream, f. o. b. Boston, as reported by the United States Department of Agriculture for the month during which such milk is received, multiply by 0.98, and multiply the result by 3.7. If the cream price described above is not reported as indicated, an equivalent determined as follows shall be used in lieu of such cream price: Compute the simple average of the differences between the cream prices reported for the latest three months and the monthly averages of the daily prices, using the mid-point of any range as one price, for Grade A (92-score) butter at wholesale in the Chicago market, as reported for the same months by the United States Department of Agriculture, times 1.22, and times 33. Then add to this amount the average of the butter price described above multiplied by 33 and 1.22 for the current pricing month.

(b) Multiply by 7.85 the simple average of the prices per pound of roller process and spray process nonfat dry milk solids for human consumption, in carlots, f. o. b. Chicago area manufacturing plants, as reported by the United States Department of Agriculture for the period from the 26th day of the preceding month through the 25th day of the month during which such milk is delivered.

(c) Add the results obtained in paragraphs (a) and (b) of this section, and from the sum subtract the amount shown below for the applicable month.

Month:	*Amount (cents)*
January and February	67
March and April	79
May and June	85
July	79
August and September	73
October, November, and December	67

(d) For each month following the first month for which the amount determined pursuant to this paragraph is greater than 5 cents, the amount to be subtracted pursuant to paragraph (c) of this section shall be reduced by any plus amount determined as follows:

(1) Compute the simple average of the prices reported by the United States Department of Agriculture for milk for manufacturing purposes, f. o. b. plants United States, for each of the 12 months ending with the preceding month, as adjusted to a 3.7 percent butterfat basis by using the butterfat differential applicable pursuant to § 904.63 of the Boston Federal order for the respective months.

(2) Compute the simple average of the Class II prices effective under the provisions of the Boston Federal order in the 201–210 freight mileage zone for the same 12 months.

(3) Determine the amount, adjusted to the nearest one-half cent, by which the average price computed pursuant to subparagraph (1) of this paragraph exceeds the average price computed pursuant to subparagraph (2) of this paragraph.

§ 947.52 *Country plant price differentials.* In the case of receipts at plants located more than 100 miles from the City Hall in Fall River, the prices determined pursuant to §§ 947.50 and 947.51 shall be subject to differentials based upon the zone location of the plant at which the Class I milk or Class II milk was received. The zone location of each plant shall be based on the distance ascertained by the market administrator as the shortest distance from the plant to the City Hall in Fall River, Massachusetts, over highways on which the highway departments of the governing States permit milk tank trucks to move or on the railway mileage distance to Fall River from the nearest railway shipping point for such plant, whichever is shorter. The applicable zone differentials shall be those set forth in the following table, as adjusted pursuant to § 947.53. For the purpose of this section, the milk which was disposed of during each delivery period by each handler as Class I milk from a plant located within 100 miles of the City Hall in Fall River shall be presumed to have been, first, that milk which was received directly from producers' farms at such plant, and then that milk which was shipped from the nearest plant located more than 100 miles from the City Hall in Fall River.

DIFFERENTIALS FOR DETERMINATION OF ZONE PRICES

A	B	C
Zone (miles)	Class I price differentials (cents per cwt.)	Class II price differentials (cents per cwt.)
Less than 100½	(1)	(1)
101–110	−65.0	−2.5
111–120	−66.5	−2.5
121–130	−66.5	−2.5
131–140	−67.5	−2.5
141–150	−70.0	−2.5
151–160	−71.5	−3.5
161–170	−71.5	−3.5
171–180	−74.0	−3.5
181–190	−74.0	−3.5
191–200	−75.5	−3.5
201–210	−75.5	−5.0
211–220	−79.5	−5.0
221–230	−80.0	−5.0
231–240	−81.0	−5.0
241–250	−81.0	−5.0
251–260	−82.0	−6.5
261–270	−82.5	−6.5
271–280	−83.0	−6.5
281–290	−84.0	−6.5
291–300	−85.0	−6.5
301 and over	−86.0	−7.5

[1] No differential.

§ 947.53 *Automatic changes in zone price differentials.* In case the rail tar-

iff for the transportation of milk in 40-quart cans in carlots of 200 or more cans or for the transportation of cream in 40-quart cans in carlots of 100–199 cans, as published in New England Joint Tariff M No. 6 and supplements thereto or revisions thereof, is increased or decreased, the zone price differentials set forth in § 947.52 shall be correspondingly increased or decreased in the manner and to the extent provided in this section. Such adjustments shall be effective beginning with the first complete month in which the changes in rail tariffs apply. If such rail tariff on milk is changed, the differentials set forth in Column B of the table shall be adjusted to the extent of any such change. If such rail tariff on cream is changed, the differentials set forth in Column C of the table shall be adjusted to the extent of any such change divided by 9.05. Adjustments shall be made to the nearest one-half cent per hundredweight.

§ 947.54 *Butterfat differential.* Each handler shall, in making payments to each producer for milk received from him, add for each one-tenth of 1 percent of average butterfat content above 3.7 percent, or deduct for each one-tenth of 1 percent of average butterfat content below 3.7 percent, an amount per hundredweight which shall be calculated by the market administrator as follows:

Divide by 33 the weighted average price per 40-quart can of 40 percent bottling quality cream, f. o. b. Boston, as reported by the United States Department of Agriculture for the period between the 16th day of the preceding month and the 15th day inclusive of the month during which such milk is delivered, subtract 1.5 cents, and divide the result by 10. If the cream price described above is not reported as indicated an equivalent determined as follows shall be used in lieu of such cream price: Compute the simple average of the differences between the cream prices reported for the latest three months and the monthly averages of the daily prices, using the mid-point of any range as one price, for Grade A (92-score) butter at wholesale in the Chicago market, as reported for the same months by the United States Department of Agriculture, times 1.22 and times 33. Then add to this amount the average of the butter prices described above, for the period between the 16th day of the preceding month and the 15th day inclusive of the month during which such milk is delivered, multiplied by 33 and 1.22.

§ 947.55 *Use of equivalent factors in formulas.* If for any reason a price, index or wage rate specified by this subpart for use in computing class prices and for other purposes is not reported or published in the manner described by this subpart, the market administrator shall use a price, index, or wage rate determined by the Secretary to be equivalent to or comparable with the factor which is specified.

§ 947.56 *Announcement of class prices.* The market administrator shall make public announcements of the class prices as follows:

(a) He shall announce the Class I price for each month on the 25th day of the preceding month, except that if such 25th day is a Sunday or legal holiday he shall announce the Class I price on the next succeeding work day.

(b) He shall announce the Class II price and the butterfat differential on or before the 12th day after the end of each month.

DETERMINATION OF UNIFORM PRICES TO PRODUCERS

§ 947.60 *Computation of value of milk of basic test received by each handler from producers.* For each delivery period the market administrator shall compute the value of milk received by each handler from producers in the following manner:

(a) Multiply the quantity of milk received from producers and classified in Class I and Class II pursuant to § 947.43 by the respective class prices pursuant to §§ 947.50, 947.51 and 947.52; and

(b) Combine the resulting values.

§ 947.61 *Computation of uniform prices.* The market administrator shall compute for each handler the uniform price per hundredweight of milk received from producers during each delivery period in the following manner:

(a) Add to the total value computed pursuant to § 947.60 the total amount of the differentials pursuant to § 947.67; and

(b) Divide the amount computed pursuant to paragraph (a) of this section by the total quantity of milk received from producers. This result shall be the handler's uniform price for milk containing 3.7 percent butterfat for milk delivered at plants located less than 100 miles from the City Hall in Fall River.

§ 947.62 *Announcement of uniform prices.* The market administrator shall, on or before the 12th day after the end of each delivery period, mail to each handler and publicly announce the uniform prices per hundredweight computed pursuant to § 947.61.

PAYMENTS FOR MILK

§ 947.65 *Time and method of payment.* On or before the 1st day after the end of each delivery period, each handler shall make payment to producers for the approximate value of milk received during the first 15 days of such delivery period. On or before the 17th day after the end of each delivery period, each handler shall make payment for the total value of milk received from producers or cooperative associations during the preceding delivery period, computed pursuant to § 947.60 at the uniform price computed pursuant to § 947.61, subject to the differentials set forth in §§ 947.66, 947.67 and 947.68 as follows:

(a) To producers for the quantity of milk received from each producer.

(b) To a cooperative association for milk of producers which it caused to be delivered to a handler and for which milk such association is not a handler but is authorized by such producers to collect payment, a total amount equal to not less than the sum of the payments otherwise payable to such producers individually, pursuant to paragraph (a) of this section.

§ 947.66 *Butterfat differential.* In making the payments to each producer for milk received from him, each handler shall add for each one-tenth of 1 percent average butterfat content above 3.7 percent, or deduct for each one-tenth of 1 percent average butterfat content below 3.7 percent, an amount per hundredweight calculated by the market administrator pursuant to § 947.54.

§ 947.67 *Country plant differentials.* The payments to be made by handlers to producers, pursuant to § 947.65, shall be subject to the differentials set forth in column B of the table in § 947.52 as adjusted by § 947.53.

§ 947.68 *Other differentials.* In making payments to producers or cooperative associations pursuant to § 947.65, handlers may deduct $0.0075 per hundredweight with respect to milk received from producers in containers supplied by the handler for the transportation of milk from their farms to the handler's plant as rental for such containers.

§ 947.69 *Correction of errors in payments to producers.* Errors in making any of the payments required in this subpart shall be corrected not later than the date for making payments next following the determination of such errors.

§ 947.70 *Statements to producers.* In making the payments to producers prescribed by § 947.65, each handler shall furnish each producer with a supporting statement, in such form that it may be retained by the producer, which shall show:

(a) The month and the identity of the handler and of the producer;

(b) The total pounds and average butterfat test of milk delivered by the producer;

(c) The minimum rate or rates at which payment to the producer is required under § 947.65;

(d) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(e) The amount or the rate per hundredweight of each deduction claimed by the handler, together with a description of the respective deductions; and

(f) The net amount of payment to the producer.

MARKETING SERVICE DEDUCTIONS

§ 947.71 *Marketing services performed by market administrator.* On or before the 17th day after the end of each delivery period, in making payments to producers pursuant to § 947,65, each handler shall deduct, with respect to milk received from each producer during such delivery period, except as set forth in § 947.72, 4 cents per hundredweight, or such lesser amount as the market administrator shall determine to be sufficient; and shall pay an amount equivalent to such deductions to the market administrator. Such amount shall be expended by the market administrator only in providing for market information to, and for verification of weights, samples, and tests of milk received from producers. The market administrator may contract

with a cooperative association or associations for the furnishing of the whole or any part of such services to, or with respect to the milk received by handlers from, producers.

§ 947.72 *Marketing services performed by cooperative associations.* On or before the 17th day after the end of each delivery period, in making payments to producers pursuant to § 947.65 each handler shall deduct, with respect to milk received from producers for whom a cooperative association, which the Secretary determines to be qualified under the provisions of the act of Congress of February 18, 1922, known as the "Capper-Volstead Act", and which the market administrator determines is actually performing the services set forth in § 947.71, such amounts as are authorized by such producers, and pay an equivalent amount on or before the 20th day after the end of the delivery period, to the cooperative association rendering such services to its members.

MARKETING COMMITTEE

§ 947.75 *Establishment.* At the request of handlers of more than 50 percent of the milk which is produced for sale in the marketing area, the Director of the Dairy Branch, Production and Marketing Administration, United States Department of Agriculture (hereinafter referred to as Director), may select a committee, to be known as the "Marketing Committee," which shall have as its members representative of the various groups directly interested in the marketing of milk in the marketing area, all of whom may be selected from among the persons nominated by the handlers in accordance with the procedure established by the Director.

§ 947.76 *Duties.* The marketing committee shall have such duties as the Director determines to be necessary and appropriate to effectuate the declared policy of the act in its application to this subpart, as amended, and the administration of this subpart, all of which duties shall be prescribed by the Director.

§ 947.77 *Compensation.* The members of the marketing committee shall serve without compensation but shall be entitled to expenses necessarily incurred by them in the performance of their duties, and such expenses shall be paid by the market administrator out of the assessments collected under this subpart for the cost of administration of this subpart.

§ 947.78 *Supervision.* Each and every act of the marketing committee shall be subject to the continuing right of the Director or the Secretary to disapprove at any time.

§ 947.79 *Procedure.* The procedure to be followed by the marketing committee shall be recommended by the market administrator under this subpart and shall be approved by the Director.

ADMINISTRATION EXPENSE

§ 947.80 *Expense of administration; payments by handlers.* As his pro rata share of the expense of administration of this subpart, each handler not a producer-handler shall, on or before the 17th day after the end of each delivery period, pay to the market administrator 5 cents per hundredweight or such lesser amount as the Secretary may from time to time perscribe with respect to all milk and milk drinks received during such delivery period at a plant or plants described in paragraphs (a) and (b) of this section except milk and milk drinks received from other plants of the type described in paragraphs (a) and (b) of this section: *Provided,* That such handler, which is a cooperative association, shall pay such pro rata share of expense of administration on such milk which it causes to be delivered by member producers to a handler's plant for the marketing area and for which milk such cooperative association collects payment: *And provided further,* That the rate of payment shall be 3 cents per hundredweight or such lesser amount as the Secretary may from time to time prescribe with respect to milk and milk drinks assessed for the cost of administration of another Federal order:

(a) A plant at which milk is received from producers.

(b) A plant from which Class I milk is disposed of in the marketing area to persons other than handlers.

OBLIGATIONS

§ 947.85 *Termination of obligations.* The provisions of this section shall apply to any obligation under this subpart for the payment of money irrespective of when such obligation arose.

(a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representatives all books or records required by this subpart to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

MISCELLANEOUS PROVISIONS

§ 947.90 *Effective time.* The provisions of this subpart, or any amendments to its provisions, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 947.91.

§ 947.91 *Suspension or termination.* The Secretary may suspend or terminate this subpart or any provision of this subpart whenever he finds that it obstructs or does not tend to effectuate the declared policy of the act. This subpart shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 947.92 *Continuing power and duty of the market administrator.* If upon the suspension or termination of any or all provisions of this subpart, there are any obligations arising under this subpart, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided,* That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate. The market administrator, or such other person as the Secretary may designate, shall:

(a) Continue in such capacity until removed by the Secretary;

(b) From time to time account for all receipts and disbursements, and, when so directed by the Secretary, deliver all funds on hand, together with the books and records of the market administrator or such person, to such person as the Secretary shall direct; and

(c) If so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the mar-

ket administrator or such person pursuant thereto.

§ 947.93 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this subpart, the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this subpart, over and above the amount necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 947.94 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

Issued at Washington, D. C., this 26th day of September 1951, to be effective on and after the 1st day of October 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-11766; Filed, Sept. 28, 1951; 8:50 a. m.]

[Amdt. 1—958.308]

PART 958—IRISH POTATOES GROWN IN COLORADO

LIMITATION OF SHIPMENTS

Findings. (1) Pursuant to Marketing Agreement No. 97 and Order No. 58 (7 CFR Part 958), regulating the handling of Irish potatoes grown in the State of Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the administrative committee for Area No. 3, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amended limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this section, (iii) compliance with this section will not require any preparation on the part of handlers which cannot be completed by the effective date, (iv) a reasonable time is permitted, under the circumstances, for such preparation, (v) information regarding the committee's recommendation has been made available to producers and handlers in the production area, and (vi) this amendment relieves restriction on the handling of Irish potatoes grown in Area No. 3.

Order as amended. The provisions of subparagraphs (1) and (4) of paragraph (b) of § 958.308 (16 F. R. 5975) are hereby amended to read as follows:

(1) During the period from October 1, 1951, to May 31, 1952, both dates inclusive, no handler shall ship potatoes grown in Area No. 3, as such area is defined in Marketing Agreement No. 97 and Order No. 58, which do not meet the following grade and size requirements: (i) U. S. No. 2, or better, grade, 1⅞ inches minimum diameter or larger; or (ii) U. S. No. 1 grade, size B.

(4) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97 and Order No. 58 (7 CFR Part 958) and the aforementioned grades and sizes shall have the same meanings assigned these terms in the U. S. Standards for Potatoes (7 CFR 51.366), including the tolerances set forth therein.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 1st day of October 1951, to become effective on October 1, 1951.

[SEAL] M. W. BAKER,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-11982; Filed, Oct. 3, 1951; 8:59 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Supp. 1, Amdt. 1]

PART 8—AIRCRAFT AIRWORTHINESS; RESTRICTED CATEGORY

AIRCRAFT OF A TYPE NOT PREVIOUSLY TYPE CERTIFICATED

Section 8.10-1, published on December 23, 1950 in 15 F. R. 9225, is amended to read as follows:

§ 8.10-1 *Aircraft of a type not previously type certificated (CAA policies which apply to § 8.10 (a) (1)).* The following policies apply to the certification of new design restricted category aircraft which have not been type certificated or accepted for use by a U. S. military service.

(a) The applicant should submit an application for type certificate, Form ACA-312, in duplicate, to the appropriate CAA Regional Office, applying for a type certificate under this part. The CAA will issue a type certificate after the aircraft has been shown to comply with appropriate airworthiness requirements.

(b) To establish the appropriate airworthiness requirements, the applicant may submit a proposal to the CAA Regional Office, Aircraft Division, in which he selects the airworthiness requirements of one of the standard categories (e. g. Normal or Utility in Part 3) as a basis, and indicates any requirements which he considers should be waived or modified for the special purpose involved. After examination of the applicant's proposal, the CAA will advise him of its acceptance as a basis for showing compliance, or specify the requirements which the CAA finds appropriate.

(c) In selecting and showing compliance with the appropriate airworthiness requirements the applicant may use as a guide, the information contained in Appendix B [1] to this part, entitled "Airworthiness Criteria for Agricultural and Similar Special Purpose Aircraft."

(Sec. 205, 52 Stat. 984; as amended; 49 U. S. C. 425. Interprets or applies secs. 601, 603, 52 Stat. 1007, 1009, as amended; 49 U. S. C. 551, 553)

These policies shall become effective November 15, 1951.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51-11888; Filed, Oct. 3, 1951; 8:45 a. m.]

[Regs., Serial No. SR-374]

PART 20—PILOT CERTIFICATES

PART 21—AIRLINE TRANSPORT PILOT RATING

PART 24—MECHANIC CERTIFICATES

PART 27—AIRCRAFT DISPATCHER CERTIFICATES

PART 33—FLIGHT RADIO OPERATOR CERTIFICATES

PART 34—FLIGHT NAVIGATOR CERTIFICATES

PART 35—FLIGHT ENGINEER CERTIFICATES

EXTENSION OF DATE FOR COMPLIANCE WITH AIRMAN IDENTIFICATION CARD REQUIREMENTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 28th day of September 1951.

Special Civil Air Regulation Serial Number SR-371, adopted August 31, 1951, extended the compliance date for obtaining airman identification cards from September 1, 1951, to October 1, 1951. However, the Board has been advised that there is still a substantial number of airmen who, due to the difficulty of obtaining birth certificates and other necessary documents, will be unable to comply with this regulation before October 1, 1951, and it is, therefore, deemed advisable to extend this regulation for an additional period of time.

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[1] Appendix not filed with Federal Register Division but will be available in the near future from Superintendent of Documents, Government Printing Office, with copies of this Supplement to CAM 8.

The Board finds that a further extension of this regulation is in the public interest, and since this regulation imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and this regulation may be made effective without prior notice.

In consideration of the foregoing the Civil Aeronautics Board hereby promulgates a Special Civil Air Regulation effective September 28, 1951:

Contrary provisions of the Civil Air Regulations notwithstanding, airman identification cards shall not be required until December 15, 1951.

This regulation supersedes Special Civil Air Regulation Serial Number SR-371, and shall terminate December 15, 1951.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 51-11978; Filed, Oct. 3, 1951; 8:57 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

PART 410—DELEGATION OPTION PROCEDURES FOR CERTIFICATION OF SMALL AIRPLANES

Proposed Part 410 was published on April 26, 1951, in 16 F. R. 3591. Interested persons were given thirty days to submit written data, views, or arguments in regard thereto. Consideration has been given to all relevant matter presented. Part 410 is hereby adopted to read:

SUBPART A—GENERAL

Sec.
410.1 Definitions of terms.
410.2 Basis and purpose.

SUBPART B—DELEGATION OPTION AUTHORIZATION

410.11 Application.
410.12 Authorization.
410.13 Eligibility.
410.14 Designated manufacturer's certification representative (DMCR).
410.15 Maintenance of eligibility.
410.16 Duration.
410.17 Transfer.
410.18 Inspections.

SUBPART C—DELEGATION OPTION PROCEDURES

410.31 Limits of applicability.
410.32 Type certificates.
410.33 Production certificates.
410.34 Airworthiness certificates.
410.35 Certificates of airworthiness for export.
410.36 Service difficulties and non-compliance.
410.37 Maintenance, repair, and alteration of aircraft.
410.38 Annual inspections.
410.39 Data and records.

AUTHORITY: §§ 410.1 to 410.39 issued under sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 603, 52 Stat. 1009, as amended, sec. 310, 64 Stat. 1080; 49 U. S. C. and Sup. 553, 460.

SUBPART A—GENERAL

§ 410.1 *Definitions of terms.* As used in this part:

(a) "Administrator" shall mean Administrator of Civil Aeronautics.

(b) "CAA" shall mean Civil Aeronautics Administration.

(c) "DMCR" shall mean designated manufacturer's certification representative.

(d) *New type airplane.* For the purposes of this part, a new type airplane is defined as one for which an application for a type certificate is voluntarily made by an applicant or one for which the type design has been so modified from a previously type certificated design that a substantially complete technical investigation is necessary to determine compliance with the applicable airworthiness requirements.

(e) "Secretary" shall mean Secretary of Commerce.

§ 410.2 *Basis and purpose.* (a) Section 603 of the Civil Aeronautics Act of 1938 (52 Stat. 1009; 49 U. S. C. 553) authorized the Civil Aeronautics Authority to conduct inspections and tests necessary to the issuance of aircraft type, production, and airworthiness certificates, and to issue such certificates. Section 7 of Reorganization Plan III of 1940 (54 Stat. 1233) transferred the functions to the Administrator. Section 2 of Reorganization Plan 5 of 1950 (15 F. R. 3174) transferred the functions to the Secretary. Section 3 of Department of Commerce Order 115 (15 F. R. 3195) retransferred the functions temporarily to the Administrator. Section 310 of the Civil Aeronautics Act of 1938 (60 Stat. 1070; 49 U. S. C. § 460) authorized the Secretary to delegate the functions to properly qualified private persons. Amendment 7 to Department of Commerce Order 86 (16 F. R. 554) authorized the Administrator to exercise the powers vested in the Secretary by section 310 (a) of the Civil Aeronautics Act of 1938.

(b) Under delegation option procedures, type, production, and airworthiness certificate of airplanes of not more than 5,000 pounds maximum weight and carrying not more than 5 persons may be accomplished by manufacturers of airplanes utilizing a DMCR. Under standard procedures, employees of the Administrator conduct inspection, examinations, and tests necessary to the issuance of certificates, and issue such certificates. Standard procedures will be available to manufacturers who are not eligible to use, or do not elect to use, the delegation option procedures.

SUBPART B—DELEGATION OPTION AUTHORIZATION

§ 410.11 *Application.* Application for an authorization from the Administrator to use the delegation option procedures shall contain the information specified in Appendix A to this part, and shall be submitted to the CAA Regional office for the region in which the manufacturer is located.

§ 410.12 *Authorization.* Upon receiving an application and finding that the applicant meets the eligibility requirements, the Administrator will issue an authorization to the applicant to use the delegation option procedures in accordance with the provisions of this part. A sample authorization is shown in Appendix B to this part.

§ 410.13 *Eligibility.* To be eligible for an authorization to use the delegation option procedure, the applicant shall:

(a) Hold a current type and production certificate issued to the applicant under the standard procedure, and

(b) Have requested the appointment of an individual by the Administrator as a designated manufacturer's certification representative in accordance with § 410.14.

§ 410.14 *Designated manufacturer's certification representative* (DMCR). A designated manufacturer's certification representative is an individual who:

(a) Holds a responsible position in a manufacturer's organization with respect to the design and manufacture of airplanes,

(b) Upon request by the manufacturer, has been issued a certificate by the Administrator, and has been listed on the delegation option authorization issued to the manufacturer.

A DMCR will be furnished CAA forms, and instructions on the use thereof, under the delegation option procedures.

§ 410.15 *Maintenance of eligibility.* (a) The holder of an authorization to use the delegation option shall employ a competent staff of engineering, flight test, production, and inspection personnel adequate to maintain compliance with the applicable certification requirements of Parts 1, 3, 4a, and 8 of this title.

(b) The designated manufacturer's certification representative required by § 410.13 (b) may be replaced by another individual upon request by the holder of the delegation option authorization and the listing of such replacing individual by the Administrator on the authorization.

§ 410.16 *Duration.* An authorization to use the delegation option procedure shall remain in effect until suspended, cancelled, or revoked by the Administrator. The holder of such authorization shall request the CAA to cancel it if he no longer desires to use the delegation option.

§ 410.17 *Transfer.* An authorization to use the delegation option procedure is not transferable.

§ 410.18 *Inspections.* Upon request, the applicant for a delegation option authorization, or the holder of such authorization shall permit authorized employees of the Administrator to inspect his organization, facilities, aircraft, and records.

SUBPART C—DELEGATION OPTION PROCEDURES

§ 410.31 *Limits of applicability.* (a) The delegation option procedures shall be applied only to airplanes which are manufactured by the holder of a delegation option authorization, and which:

(1) Are eligible for certification under the type, production, and airworthiness requirements of Parts 1, 3, 4a, or 8 of this title, or Bulletin 7a of the Bureau of Air Commerce,

(2) Have a maximum weight of no more than 5,000 pounds,

(3) Are designed to carry no more than 5 persons.

(b) Within the limitations prescribed in paragraph (a) of this section, the delegation option procedure may be applied to:

(1) Type certification,

(2) Changes in the type design of airplanes for which the manufacturer holds or obtains a type certificate,

(3) The amendment of the production certificate held by the manufacturer, to include additional airplane models or additional types for which he holds or obtains type certificates,

(4) The issuance of airworthiness certificates for airplanes of any type for which the manufacturer holds or obtains type and production certificates.

(c) The delegation option procedures may be applied to one or more airplane types as selected by the manufacturer, who shall notify the CAA of each airplane model, and the first airplane serial number of each model, manufactured by him under the delegation option procedures. Other airplane types or models may remain under the standard procedures.

§ 410.32 *Type certificates.* (a) When a manufacturer desires to obtain a type certificate for a new type airplane under the delegation option procedures:

(1) The DMCR for such manufacturer shall submit to the CAA an Application for a Type Certificate (Form ACA–312) together with a statement listing particular airworthiness requirements of this title by part and date, which the DMCR considers applicable. After reviewing the application, the CAA will notify the DMCR in an acceptance letter that the Administrator finds such requirements, or other specified requirements, applicable.

(2) After determining that the airplane meets the applicable airworthiness requirements, the DMCR shall request the Administrator to issue a type certificate for such airplane. If the request for issuance of a type certificate is submitted more than one year after the date of application for the type certificate, the applicable requirements shall include all amendments to Parts 1, 3, 4a, or 8 of this title which have become effective up to a date one year prior to submittal of the request. A list of all such amendments, and all subsequent amendments voluntarily complied with, shall be included in the request. The request shall include a Statement of Compliance and the information prescribed in Appendix C to this part. The proposed Aircraft Specification, and if required by the applicable airworthiness requirements, copy of the Airplane Flight Manual as approved by the DMCR, shall be transmitted with the request.

(b) Under these delegation option procedures, the manufacturer may change the type design for airplanes for which he holds a type certificate, when the DMCR finds that the changes comply with the applicable airworthiness requirements. If such changes would alter the information in the Aircraft Specification or Airplane Flight Manual, the manufacturer shall promptly submit proposed Aircraft Specification revisions or Airplane Flight Manual revisions to the CAA.

(1) The DMCR shall furnish a statement to the CAA, briefly describing any changes to the type design and listing the particular airworthiness requirements of this title which the DMCR considers applicable, whenever:

(i) A change in the type design appreciably changes the external configuration, maximum weight, or type of engine installed in the airplane, or

(ii) The manufacturer desires certification of the type design under airworthiness requirements other than those applicable in the original issuance of the type certificate.

Upon receiving such a statement, the CAA will notify the DMCR that the Administrator finds such requirements, or other specified requirements applicable.

(c) In determining compliance with the applicable airworthiness requirements, the DMCR shall conduct a type inspection of the airplane, and complete a Type Inspection Report (Form ACA–283), or applicable portions thereof, which he shall sign and include in the manufacturer's technical data file.

(d) The manufacturer or the DMCR may request the advice of the CAA concerning interpretation of the certification requirements in Parts 1, 3, 4a, and 8 of this title and Bulletin 7A of the Bureau of Air Commerce. Such requests and the replies thereto shall be made in writing and shall be recorded in the manufacturer's technical data file. The DMCR shall request the advice of the CAA on any interpretation which requires application of the equivalent safety provisions contained in the certification requirements.

(e) The manufacturer shall prepare and maintain a technical data file for each airplane type under the delegation option procedure, in accordance with § 410.39 (a) (1).

§ 410.33 *Production certificates.* (a) When a manufacturer desires to list a new airplane model or a new type certificate on his production certificate, the DMCR for such manufacturer shall, after finding that the manufacturer meets the production certificate requirements of Part 1 of this title with respect to the new model or type, submit a request therefor to the Administrator. This request shall be accompanied by:

(1) A Statement of Compliance containing the information prescribed in Appendix D of this part, and,

(2) A properly executed application for an amendment to the manufacturer's production certificate (Form ACA–332).

Upon receipt of these documents the Administrator will add the new model designation and/or type certificate number to the production certificate and forward to the manufacturer an amended production limitation record.

(b) In determining that the manufacturer meets the applicable production certificate requirements, the DMCR shall, for each new model or type added to the production certificate under the delegation option, conduct an inspection of the manufacturer's organization, facilities, methods, and procedures for manufacturing and controlling the quality and conformity of airplanes of that type, and shall complete and sign a Manufacturing Inspection Report (Form ACA–314) for inclusion in the manufacturer's records.

(c) At least once each year while the manufacturer holds a delegation option authorization, the DMCR shall conduct an inspection of the manufacturer's facilities, methods, and procedures and shall complete and sign a copy of Form ACA–314 for inclusion in the manufacturer's records.

(d) The manufacturer shall prepare reports covering changes in organization and procedures and special processes, as required by the production certificate requirements of Part 1 of this title. He shall include such reports, and inspection records for each airplane produced under the delegation option, in his records as specified in § 410.39 (a) (2).

§ 410.34 *Airworthiness certificates.* (a) A DMCR may issue an airworthiness certificate for an airplane manufactured under the delegation option when he finds, on the basis of the inspections and production flight check required under the production certificate requirements, that the airplane conforms to a type design for which the manufacturer holds a type certificate and is in a condition for safe operation.

(b) The DMCR may authorize other employees of the manufacturer to sign such airworthiness certificates for him, over his name and designee number: *Provided,* That:

(1) Such employees perform or are in direct charge of the inspections specified in paragraph (a), of this section, and

(2) Such employees have been listed on the manufacturer's application to use the delegation option procedures (see Appendix A to this part), or on amendments thereto.

§ 410.35 *Certificates of airworthiness for export.* A certificate of airworthiness for export may be issued on the same basis as an airworthiness certificate, as specified in § 410.34.

§ 410.36 *Service difficulties and noncompliance.* Service difficulties and questions of compliance on airplanes produced under the delegation option will be handled as follows:

(a) *Routine reports.* The CAA will collect information on service difficulties in accordance with standard procedures. Where service difficulties are deemed of sufficient importance, the CAA will forward copies of the reports to the aircraft manufacturer for his information and any action he deems appropriate. The CAA will not request replies or action on such reports, except as indicated in paragraph (b) of this section.

(b) *Serious defects.* If accident or service difficulty reports indicate unsafe features or characteristics in an airplane caused by defects in design or manufacture, the CAA will transmit such reports to the manufacturer with a request that it be informed of the results of his investigation and of the action, if any, taken or proposed by him (e. g., service bulletins, design changes,

etc.). If the nature of the defect is of such importance that mandatory corrective action by airplane operators is necessary for safety, the CAA will require the manufacturer to submit the information necessary for the issuance of an Airworthiness Directive in accordance with the standard procedures.

(c) *Investigation of airplane or manufacturing facilities.* The manufacturer shall, upon request, permit the CAA to inspect and test his airplane, and investigate his technical data files and manufacturing facilities when reports indicate that a serious defect exists, and when the CAA finds that:

(1) The manufacturer's investigation and action are deemed inadequate to correct the unsafe condition, or

(2) There is substantial evidence that airplanes of the type may not, in fact, comply with the applicable airworthiness requirements.

Prior to conducting such an investigation, the CAA will communicate with the manufacturer, citing the evidence in the case and, time permitting, will request the manufacturer to submit comments and any additional pertinent information. After the manufacturer's reply has been received, all pertinent facts and evidence will be referred to the CAA, Aircraft Division, Washington Office, for review, and the decision on whether or not to proceed with the investigation, and its nature and scope, will be made by that office.

(d) *Non-compliance.* When investigation is made by the CAA, and the findings indicate that a serious safety hazard exists because of the manufacturer's failure to comply in important respects with Parts 1, 3, 4a, or 8 of this title, the CAA will take such action as is deemed necessary to require correction of the defect in existing airplanes and to assure compliance in airplanes subsequently produced.

(e) *Revocation of delegation option authorization.* If the number or importance of established cases of non-compliance warrants, or if the manufacturer is found not to comply with the requirements of this part, the CAA may request the manufacturer to show cause why his privileges under the delegation option procedures should not be withdrawn. After proper hearing, these privileges may be withdrawn until the manufacturer re-establishes his eligibility to the satisfaction of the Administrator.

(f) *Suspension and revocation of certificates.* Any action against type or production certificates held by the manufacturer will be processed in accordance with the standard procedures. (See § 408.26 of this chapter.)

§ 410.37 *Maintenance, repair, and alteration of aircraft.* Airplanes manufactured under the delegation option procedures shall be maintained, repaired, and altered in accordance with Part 18 of this title and the following provisions:

(a) Approval of major repairs and alterations performed by the manufacturer. For airplanes of types included under the manufacturer's delegation option authorization:

(1) The DMCR may, after finding that the major repair or alteration complies with the applicable requirements, approve such repair or alteration under the provisions of § 18.11 of this title.

(2) A completed Repair and Alteration Form (Form ACA–337) shall be furnished to the airplane owner and a copy forwarded to the nearest CAA District Office as specified on the reverse side of the form. However, any technical data prepared in accordance with §§ 18.16–2, 18.16–4, 18.16–5, and 18.16–6 of this title, need not be submitted with Form ACA–337, but shall instead be included in the manufacturer's records. The Form ACA–337 shall contain a description of the repair or alteration and a statement that it was accomplished under the delegation option procedures.

(3) The DMCR may authorize other employees of the manufacturer to execute and sign Forms ACA–337 and make required logbook entries over his name and designee number: *Provided*, That:

(i) Such employees perform or are in direct charge of inspecting the repair or alteration, and

(ii) They have been listed on the manufacturer's application for the delegation option (see Appendix A to this part, or on amendments thereto).

(b) *Approval of major repairs and alterations performed by agencies other than the manufacturer.* The CAA will consider all major repairs and alterations submitted to it for approval under the provisions of § 18.11 of this title; however where reference to the original configuration of the airplane and to available technical data does not provide an adequate basis for determining compliance with applicable airworthiness requirements, the CAA will advise the repair agency either to:

(1) Obtain the necessary technical data or advice from the airplane manufacturer, or

(2) Conduct the technical investigations and tests necessary to demonstrate compliance with the applicable airworthiness requirements.

§ 410.38 *Annual inspections.* (a) For airplane types included under the manufacturer's delegation option authorization, the DMCR may act as a representative of the Administrator in conducting the annual inspection prescribed by Part 1 of this title and in executing the prescribed forms and making the required logbook entries. He may also approve the airplane for return to service after finding that it is in airworthy condition and complies with the applicable Aircraft Specification and Airworthiness Directives.

(b) The DMCR may authorize other employees of the manufacturer to perform the functions specified in paragraph (a) of this section and to sign the specified documents over his name and designee number: *Provided*, That:

(1) Such employees perform or are in direct charge of the inspection, and

(2) They have been listed on the manufacturer's application for the delegation option (see Appendix A to this part), or on amendments thereto.

§ 410.39 *Data and records.* (a) A manufacturer shall maintain at his factory, for all aircraft certificated under the delegation option procedures, current records containing the following:

(1) A technical data file for each type aircraft. This data shall include the type design drawings, specifications and reports on tests prescribed by Part 1, 3, 4a, or 8 of this title, the original type inspection report (Form ACA–283), and amendments thereto.

(2) A complete inspection record for each airplane produced according to serial number, data covering the processes and tests to which materials and parts are subjected, the report required to be submitted with the original application for the production certificate and amendments thereto, and the factory inspection reports specified in § 410.33 (b) and (c).

(3) A record of all major repairs and alterations performed under the delegation option procedure.

(b) The records and data specified in paragraph (a) of this section shall be:

(1) Upon request, made available for examination by authorized employees of the Administrator,

(2) Identified and reserved for transfer to the CAA in the event the manufacturer goes out of business.

This part shall become effective September 15, 1951.

APPENDIX A

Information required in application for delegation option authorization.

----------, hereby makes
(Name of manufacturer)

application for authorization to use the delegation option procedure for the type, production, and airworthiness certification of airplanes under the provisions of Part 410 of the regulations of the Administrator of Civil Aeronautics, and requests that the following individual, who holds a responsible position with this company in respect to the design and manufacture of airplanes to be produced under the delegation option, be appointed as a CAA Designated Manufacturer's Certification Representative:

---------- ----------
(Name) (Title)

If authorization to use the delegation option is granted, the following individuals will be authorized to sign airworthiness certificates, repair and alteration forms, and annual inspection forms for the Designated Aircraft Manufacturer's Representative:

---------- ----------
---------- ----------
(Name) (Title)

This company holds the following currently effective type and production certificates obtained under the standard certification procedures:

Model	Type Certificate No.	Production Certificate No.
----------	----------	----------
----------	----------	----------

Signed ---------- Title ----------
Date ----------

APPENDIX B

Sample authorization to use the delegation option procedure.

(Addressed to manufacturer) (Date)

In consideration of an application made on ----------,
(Date)
---------- has been found
(Name of manufacturer)

eligible and is hereby authorized to use the delegation option procedure for the type, production, and airworthiness certification of airplanes in accordance with the provisions of Part 410 of the regulations of the Administrator of Civil Aeronautics.

_____ is hereby appointed a Designated Manufacturer's Certification Representative, and is issued a Certificate of Authority, Number _____.

APPENDIX C

Information required in statement of compliance and request for issuance of a type certificate.

The undersigned hereby certifies that _____, designed
(Airplane model designation)
and manufactured by _____, complies with the applicable airworthiness requirements listed below and all mandatory CAA rules published thereunder, and requests the issuance of a type certificate for this model under the delegation option authorization issued to the manufacturer on _____.
(Date)

Applicable requirements: CAR _____, in effect on _____, CAR amendments _____, effective _____.

The required technical data and type inspection report dated _____ have been completed and included in the technical data file for this model.

The following documents are transmitted herewith:

Proposed Aircraft Specification

Airplane Flight Manual (if applicable)

Signed _____
DMCR No. _____
Date _____

APPENDIX D

Information required in statement of compliance and request for issuance of an amended production certificate.

The undersigned hereby certifies that _____ meets the applica-
(Name of manufacturer)
ble production certificate requirements with respect to _____,
(Airplane model designation)
manufactured under type certificate No. _____, and requests the addition of this model and type certificate No. _____ to production certification No. _____
(Production
_____, under
certificate held by the manufacturer)
the delegation option authorization issued to the manufacturer on _____.
(Date)

The required data on procedures, methods, and processes, and the factory inspection report, dated _____, for this model have been completed and included in the manufacturer's records.

An Application for Production Certificate is transmitted herewith.

Signed _____
DMCR No. _____
Date _____

This part shall become effective thirty days after publication in the FEDERAL REGISTER.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51-11890; Filed, Oct. 3, 1951; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5298]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

W. H. BRADY & CO. ET AL.

Subpart—*Using or selling lottery devices:* § 3.2475 *Devices for lottery selling.* Selling or distributing in commerce, push cards, punchboards, or other lottery devices, which are to be used or may be used in the sale or distribution of merchandise to the public by means of a game of chance, gift enterprise or lottery scheme; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, W. H. Brady & Company et al., Docket 5298, August 8, 1951]

In the Matter of W. H. Brady & Company, a Corporation, Frederick W. Brady, Elizabeth A. Brady, Mildred J. Brady, Richard H. Brady, William H. Brady, Jr., and Max M. Molitor, Individuals and Officers of W. H. Brady & Company

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the respondents' answer admitting all of the material allegations thereof, briefs and oral argument of counsel, and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent W. H. Brady & Company, a corporation, and its officers, agents, representatives and employees, and the respondents Frederick W. Brady, Elizabeth A. Brady, Mildred J. Brady, Richard H. Brady, William H. Brady, Jr., and M. Molitor, individually, and their respective agents, representatives and employees, directly or through any corporate or other device, do forthwith cease and desist from: Selling or distributing in commerce, as "commerce" is defined in the Federal Trade Commission Act, push cards, punchboards, or other lottery devices, which are to be used or may be used in the sale or distribution of merchandise to the public by means of a game of chance, gift enterprise or lottery scheme.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission, Commissioner Mason concurring in the findings as to the facts and conclusion, but not concurring in the form of order to cease and desist, for the reasons stated in his opinion concurring in part and dissenting in part in Docket 5203—Worthmore Sales Company.

Issued: August 8, 1951.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 51-11921; Filed, Oct. 3, 1951; 8:50 a. m.]

[Docket 5865]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

CONSOLIDATED CIGAR CORP. AND G. H. P. CIGAR CO.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended; payments for services or facilities for processing or sale under 2 (d):* § 3.825 *Allowances for services or facilities.* In connection with the sale, or offering for sale, of cigars in commerce, (1) paying, or contracting to pay or allow, anything of value to, or for the benefit of, any one customer for advertising or display services or facilities furnished by or through such customer, unless such payment or consideration is available on proportionally equal terms to all other customers of respondents, who in fact compete with the favored customer in the resale of respondents' products; (2) paying, or contracting to pay or allow, anything of value to, or for the benefit of, any customer for advertising or display services or facilities furnished by or through such customer as an agreed percentage or proportion of dollar volume of purchases by such customer, different from the agreed percentage or proportion granted any other customer where both such customers compete in fact in the resale of respondents' products and where such payments are based on the amount of purchases made; (3) paying, or contracting to pay or allow, anything of value, such as lump sum payments arrived at by negotiation with individual customers to, or for the benefit of, any customer for advertising or display services or facilities furnished by or through such customer on terms not available to, or not proportionally equal for, all other customers competing with such customer and among themselves in the resale of respondents' products; or, (4) paying, or contracting to pay or allow, anything of value to, or for the benefit of, a customer as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the handling, processing, sale, or offering for sale of any products or commodities manufactured, sold or offered for sale by respondents unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities; prohibited, subject to the provision, however, that nothing contained in or relating to the order shall be construed to affect the duty, authority or power of the Federal Trade Commission to reopen the proceeding and alter, mod-

ify or set aside, in whole or in part, any provision of the order whenever in the opinion of the Federal Trade Commission conditions of fact or of law shall require such action nor to prevent representatives of either the Federal Trade Commission or of the respondents or any of them from moving to so alter, modify or set aside, in whole or in part, any provision of the order.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 13) [Cease and desist order, Consolidated Cigar Corporation et al., Docket 5865, July 7, 1951]

This proceeding was heard by Frank Hier, trial examiner, upon the Commission's complaint, and respondent's joint answer thereto, which admitted, for the purposes of the instant proceeding only, all the material allegations of fact set forth in said complaint, excepting two, as to which respondents admitted the facts to be slightly different than alleged, and as to which counsel in support of the complaint agreed that the facts stated in said answer were the facts. Said answer also waived the filing of proposed findings and conclusions and all intervening procedure and further hearing as to the facts, but reserved the right to appeal under Rule XXIII of the rules of practice of the Commission.

Thereafter the initial hearing set in the complaint was thereupon cancelled, and the record closed by the trial examiner, and the proceeding regularly came on for final consideration by said trial examiner, theretofore duly designated by the Commission, upon said complaint and answer thereto, and said trial examiner, having duly considered the record in the matter, made his initial decision comprising certain findings as to the facts, conclusions drawn therefrom, and order to cease and desist.

No appeal having been filed from said initial decision of said trial examiner as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII became the decision of the Commission on July 7, 1951.

The said order to cease and desist is as follows:

It is ordered, That respondents Consolidated Cigar Corporation, a corporation, and G. H. P. Cigar Co., Inc., a corporation, their officers, employees, agents, and representatives, directly or through any corporate or other device, in connection with the sale, or offering for sale, of cigars in commerce, as "commerce" is defined in the aforesaid Clayton Act as amended, do forthwith cease and desist from:

1. Paying, or contracting to pay or allow, anything of value to, or for the benefit of, any one customer for advertising or display services or facilities furnished by or through such customer, unless such payment or consideration is available on proportionally equal terms to all other customers of respondents, who in fact compete with the favored customer in the resale of respondents' products.

2. Paying, or contracting to pay or allow, anything of value to, or for the benefit of, any customer for advertising or display services or facilities furnished by or through such customer as an agreed percentage or proportion of dollar volume of purchases by such customer, different from the agreed percentage or proportion granted any other customer where both such customers compete in fact in the resale of respondents' products and where such payments are based on the amount of purchases made.

3. Paying, or contracting to pay or allow, anything of value, such as lump sum payments arrived at by negotiation with individual customers to, or for the benefit of, any customer for advertising or display services or facilities furnished by or through such customer on terms not available to, or not proportionally equal for, all other customers competing with such customer and among themselves in the resale of respondents' products.

4. Paying, or contracting to pay or allow, anything of value to, or for the benefit of, a customer as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the handling, processing, sale, or offering for sale of any products or commodities manufactured, sold or offered for sale by respondents unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

Provided, however, That nothing contained in or relating to this order shall be construed to affect the duty, authority or power of the Federal Trade Commission to reopen this proceeding and alter, modify or set aside, in whole or in part, any provision of this order whenever in the opinion of the Federal Trade Commission conditions of fact or of law shall require such action nor to prevent representatives of either the Federal Trade Commission or of the respondents or any of them from moving to so alter, modify or set aside, in whole or in part, any provision of this order.

By "Decision of the Commission and order to file report of compliance", Docket 5865, July 31, 1951, which announced fruition of said initial decision, report of compliance with the said order was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: July 31, 1951.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 51-11920; Filed, Oct. 3, 1951; 8:50 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter I—Home Loan Bank Board, Housing and Home Finance Agency

Subchapter C—Federal Savings and Loan System

PART 145—OPERATIONS

TERMINATION OF REGULATION REQUIRING BORROWER TO SUPPLY 10% OF COST OF IMPROVEMENTS IN CONNECTION WITH CERTAIN UNSECURED LOANS

OCTOBER 1, 1951.

Pursuant to express termination date stated therein, the provisions of § 145.8–1 of the rules and regulations for the Federal Savings and Loan System (24 CFR 145.8–1) terminated on August 15, 1951.

(Sec. 5, 48 Stat. 132; 12 U. S. C. 1464; Reorg. Plan No. 3 of 1947, 61 Stat. 954, 5 U. S. C. 133y–16)

[SEAL] J. FRANCIS MOORE, *Secretary, Home Loan Bank Board.*

[F. R. Doc. 51-11919; Filed, Oct. 3, 1951; 8:50 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

Subchapter C—Personnel

PART 713—NAVAL RESERVE

MISCELLANEOUS AMENDMENTS

1. The following paragraph is an addition to Subpart A—General; Administration and Organization; All Classes of Part 713.

§ 713.1820 *Identification for members of the Naval Reservee.* * * * (d) Officers of the Merchant Marine Reserve on inactive duty who are required to wear uniforms in connection with their employment shall, while wearing such uniforms, also wear the Naval Reserve insignia approved by the Secretary of the Navy for officers of the Merchant Marine Reserve.

2. The following sections are additions to Subpart A—General; Administration and Organization; All Classes—of Part 713:

§ 713.1509 *Date of rank of former officers of the Naval Reserve reappointed therein.* (a) Former officers of the Naval Reserve, reappointed therein in the same ranks formerly held by them in the Naval Reserve as the result of applications submitted within 3 months from the effective dates of their separations from the Naval Reserve, shall be given the same dates of rank previously held by them.

(b) Former officers of the Naval Reserve, reappointed therein in the same ranks formerly held in the Naval Reserve, as the result of applications submitted more than 3 months from the effective dates of their separations from the Naval Reserve, shall be given dates of rank in accordance with dates of receipt of applications in the Bureau of Naval Personnel.

(c) Former officers of the Naval Reserve who request reappointment in the

Naval Reserve more than 3 years after separation from the Naval Reserve will be treated as civilian applicants and appointed in the grade indicated by their age. Date of rank will be the date their application is received in the Bureau of Naval Personnel.

§ 713.1810a *Classification records and Navy job classifications; enlisted personnel.* (a) The classification record page of the enlisted service record contains in summarized and concise form the civilian education and training, personal interests, and civilian occupation experience of enlisted personnel of the Navy and Naval Reserve. Whenever this page is prepared while the person is a member or an associated member of an organized Naval Reserve unit or while enlisted in the regular Navy, it will contain the test scores obtained by the person on the basic battery of classification tests listed in article C-3206 of the Bureau of Naval Personnel Manual. The classification record page is prepared by trained personnel as the result of a personal interview or from data furnished by the individual on the Naval Reserve enlisted classification questionnaire. Upon the individual's reenlistment, the classification record page is removed from the closed out service record and inserted in the new record.

(b) Every enlisted person will be assigned Navy job classifications in accordance with the procedure outlined in the Manual of Enlisted Navy Job Classifications, NavPers 15105. The primary classification will indicate the person's highest level of job skill within his rating; or, in the case of personnel in pay grades E-1, E-2, and E-3, within his rate, or the rating for which he is striking. A secondary Navy job classification may be assigned to indicate additional job skills, either within or outside the person's rate or rating. Enlisted personnel who are members or associate members of an organized Naval Reserve unit shall be interviewed and assigned Navy job classifications by the officers who supervise their work or training. Other Naval Reservists and retired enlisted personnel shall be assigned Navy job classifications after an analysis by trained personnel of the data furnished by the individual on the Naval Reserve enlisted classification questionnaire. A special program-job code to reflect training or experience in a critical program may be recommended for assignment by the Bureau of Naval Personnel. Following determination, the Navy job classification code will be recorded on the Navy Occupation and Training History page of the service record and in the personnel accounting card of each enlisted reservist. Navy job classifications must be reviewed systematically and changed as necessary to show the enlisted person's current job skills. In every case, Navy job classifications will be reviewed periodically at the time rating marks are assigned. The primary Navy job classification code and the special program-job code (if assigned) shall be entered in parentheses after the person's rate on all official correspondence concerning him by name.

(c) The booklet entitled Guide to Enlisted Naval Reserve Classification, NavPers 15818, fully explains the preparation and use of the classification record page of the enlisted service record and the Navy job classification system.

3. The following section is an addition to Subpart F—Discipline, Discharges, Resignations and Retirements of Part 713:

§ 713.6309 *Active duty for training or inactive duty training.* Members of the honorary retired list will not be called or ordered to perform active duty for training or inactive-duty training for any period of time either with or without pay.

(Sec. 9, 52 Stat. 1177, as amended; 34 U. S. C. 853g)

Dated: September 26, 1951.

DAN A. KIMBALL,
Secretary of the Navy.

[F. R. Doc. 51-11892; Filed, Oct. 3, 1951; 8:46 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 32, Supplementary Regulation 2]

CPR 32—CRUDE PETROLEUM

SR 2—HOW TO ADJUST CEILING PRICES WHEN SUCH CEILING PRICES ARE NOT IN CONFORMITY WITH CEILING PRICES IN THE SAME GENERAL PRODUCING AREA FOR COMPARABLE CRUDE PETROLEUM

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this supplementary regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This Supplementary Regulation establishes an adjustment procedure whereby the purchaser or seller of crude petroleum in oil fields or pools which are frozen at ceiling prices below the in-line ceiling price for comparable crude petroleum produced in the same general producing area may make application for an adjustment of his ceiling price. This is necessary because in the early stages of production in a new field or pool the producer must usually accept a lower price for his crude petroleum than that which he ordinarily receives when full production is attained and direct transportation facilities become available and competitive factors develop.

At the time of the general freeze, there were numerous relatively new fields or pools in the same general producing area producing comparable crude petroleum. Ceiling prices in these oil fields or pools were frozen at levels below the in-line ceiling price for the same general producing area, because (1) full production had not been attained, or (2) installation of adequate low-cost transportation was not then available, or (3) there was a lack of competitive factors, or (4) there was a temporary excess supply of heavy crude petroleum, or (5) there were other factors which tended to prevent a normal price adjustment. Purchasers or sellers in such fields are unable, under Ceiling Price Regulation 32 as it now stands, to obtain adjustments to establish in-line prices. This Supplementary Regulation, however, will allow purchasers or sellers in these affected areas to make application for adjustment of their ceiling prices.

In the formulation of this supplementary regulation, special circumstances have made it impractical to consult with the official industrial advisory committee; however, a number of individuals from the industry were consulted by the Director prior to the issuance of this supplementary regulation and consideration was given to their recommendations. In the judgment of the Director, the provisions of this amendment are fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

So far as practicable, the Director has given due consideration to the national effort to achieve maximum production in the furtherance of the objectives of the Defense Production Act of 1950, as amended.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Applicability of this supplementary regulation.
3. How to adjust ceiling prices for oil fields or pools in the same general producing area for comparable crude petroleum.
4. Applicability of Ceiling Price Regulation 32.

AUTHORITY: Sections 1 to 4 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this supplementary regulation does.* This supplementary regulation permits a purchaser or seller to apply for an adjustment of his ceiling prices for certain oil fields or pools which are frozen at ceiling prices below the in-line ceiling price of comparable crude petroleum in the same general producing area. This adjustment procedure can be used only when an oil field or pool was frozen at a ceiling price which was not in line with the ceiling price of comparable crude petroleum in the same general producing area.

This section is intended only as a general description to aid in understanding this supplementary regulation; the following sections are controlling.

SEC. 2. *Applicability of this supplementary regulation.* This supplementary regulation applies only to purchasers or sellers in oil fields or pools which have been frozen at prices below the in-line ceiling price for comparable crude petroleum in the same general producing area and who now, due to normal industry practice should be allowed to adjust their prices up to the in-line ceiling price of comparable crude petroleum in the same general producing area.

SEC. 3. *How to adjust ceiling prices for oil fields or pools in the same general producing area for comparable crude petroleum.* (a) In oil fields or pools frozen at below the in-line ceiling price for comparable crude petroleum in the same general producing area, the purchaser or seller may make application for an adjustment of his ceiling price at the receiving tank which shall be in line with the ceiling price of comparable crude petroleum produced in the same general producing area. An applicant when making an application for adjustment cannot use ceiling prices determined by Sections 16 and 17 as a basis for determining the in-line ceiling price of comparable crude petroleum in the same general producing area. The person making such application for adjustment shall file said application with the Petroleum Branch, Transportation, Public Utilities and Fuels Division, Office of Price Stabilization, Washington 25, D. C. In connection therewith he shall include a statement setting forth briefly:

(1) Such new ceiling price.

(2) An explanation as to why his ceiling price under Sections 14, 15, 16, 17, or 18 of this regulation has been established at a price which is not in line with the ceiling price of comparable crude petroleum in the same general producing area.

(3) A description of the available transportation facilities and a description of the gravity, characteristics and source of the crude petroleum in question and evidence to indicate that the adjusted ceiling price will be in line with the ceiling price of comparable crude petroleum in the same general producing area.

(b) Upon receipt of an application for an adjustment for an in-line ceiling price of an oil field or pool which is producing crude petroleum of comparable quality from the same general producing area, the Director shall either approve or disapprove the proposed in-line ceiling price. If an application for adjustment is disapproved, the Director may establish a substitute price. A ceiling price established under this section may be changed at any time by order of the Office of Price Stabilization. If a seller and purchaser have agreed upon a price for the sale of crude petroleum subject to the approval of an application for adjustment by the Director of the Office of Price Stabilization, and said application is granted, the ceiling price agreed upon shall be effective retroactively to the effective date of this regulation or to the date of the agreement, whichever is later.

SEC. 4. *Applicability of provisions of Ceiling Price Regulation 32.* Except to the extent expressly modified or supplemented by this supplementary regulation all provisions of Ceiling Price Regulation 32 shall remain in full force and effect.

Effective date. This supplementary regulation is effective October 9, 1951.

NOTE: The record-keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director,
Office of Price Stabilization.

OCTOBER 3, 1951.

[F. R. Doc. 51-12074; Filed, Oct. 3, 1951; 4:00 p. m.]

[Ceiling Price Regulation 57, Amdt. 3]

CPR 57—CEILING PRICES FOR ANTI-FREEZE

MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 3 to Ceiling Price Regulation 57 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment makes a number of miscellaneous changes in the anti-freeze regulation (Ceiling Price Regulation 57). It establishes dollar and cent ceiling prices for natural methanol anti-freeze; clarifies the retail pricing of private brand anti-freeze; and consolidates the various application provisions of the regulation into one section covering all applications of sellers unable to price under other sections of the regulation.

At the time the anti-freeze regulation was issued no specific ceiling price was set for natural methanol anti-freeze because sufficient data with respect to prices and costs were not available and it was not certain that this product would be offered this season. Since then, however, information has been received that some manufacturers intend to produce a natural methanol anti-freeze and that the ceiling prices previously established for Types S and SC anti-freeze are appropriate for this type as well. Accordingly, the definitions for Type S and SC anti-freeze have been broadened to include formulations of natural methanol as well as formulations of synthetic alcohols. This results in the establishment of dollar and cent ceiling prices for sales of anti-freeze containing natural methanol as its principal freezing point depressant at the same levels as those established for anti-freeze containing synthetic methanol.

This amendment also clarifies the private brand provisions of the regulation. Some questions arose as to coverage intended by these provisions because of the use of the phrase "and if you are not a manufacturer" in section 3 (b). As used therein, the term "manufacturer" was intended to apply to and, therefore, exclude from its scope only a manufacturer who produces anti-freeze for resale generally, as distinguished from one who produces anti-freeze for sale through his own, affiliated or other exclusive channels. The revised wording of section 3 (b) makes it clear that the method of pricing provided by section 3 (b) applies not only to retail dealers who have their private brand anti-freeze manufactured for them by others, but also applies to retail dealers who can technically be regarded as manufacturers of their own private brand anti-freeze.

This amendment also consolidates into one section covering all sellers the provisions of the regulation concerning applications for the establishment of ceiling prices for anti-freeze. Formerly these provisions were contained in various sections of the regulations, but this method was not sufficiently elastic or comprehensive to permit application in a number of pricing situations which were not known at the time the regulation was issued. The insertion now of an over-all application section removes the possibility of a situation arising where a ceiling price for anti-freeze could not be determined under the regulation.

To the extent practicable under the circumstances, the Director has consulted with persons in the industry who may be involved and has given consideration to their recommendations.

AMENDATORY PROVISIONS

Ceiling Price Regulation 57 is amended in the following respects:

1. That portion of paragraph (b) of section 3 which precedes subparagraph (1) is amended by deleting the phrase "and if you are not a manufacturer," so as to make it read as follows:

(b) *Private brands.* If you sell standard type S, SC or P anti-freeze at retail under your own brand name, your ceiling prices for sales at retail are determined as follows:

Subparagraphs (1), (2) and (3) of section 3 (b) remain unchanged.

2. Section 3 (b) is further amended by adding at the end thereof the following subparagraph:

(4) If you are now selling anti-freeze in container sizes different from those which you sold during the base period, apply for a ceiling price under section 8.

3. Paragraph (b) of section 5 is deleted.

4. Subparagraph (2) of section 6 (b) is deleted.

5. Section 8 is amended to read as follows:

SEC. 8. *Sellers who cannot price under other sections—*(a) *Application for ceiling price required.* If you are unable to compute your ceiling prices for anti-freeze under any of the foregoing provisions of this regulation, you must apply in writing to the Office of Price Stabilization, Rubber, Chemicals and Drugs Division, Washington 25, D. C., for the establishment of ceiling prices before offering your anti-freeze for sale. The Director will establish ceiling prices under this section which are in line with the ceiling prices otherwise established by this regulation.

(b) *Information required in your application.* Your application shall contain the following information:

(1) An explanation of why you are unable to determine your ceiling price under any other provision of this regulation.

(2) A description of your anti-freeze.

(3) The nature of your business, as for example, whether you are a manufacturer, wholesaler or retail dealer.

(4) The geographical area in which you propose to distribute the anti-freeze.

(5) The types of resellers through which you propose to distribute the anti-freeze.

(6) The ceiling prices which you believe should be established for sales at the different levels of distribution through which your anti-freeze will be sold. Include an explanation of the reasons why you believe that those ceiling prices are in line with the ceiling prices established by this regulation. If ceiling prices were in effect for your anti-freeze prior to the date of this regulation, set forth those ceiling prices.

(c) *Additional information required of manufacturers of anti-freeze of types other than S, SC, N or P.* If you are a manufacturer of anti-freeze of a type other than types S, SC, N or P, your application must also contain the following additional information:

(1) The quantitative formula of the anti-freeze; ceiling or actual purchase price, whichever is lower, of each material in such formula, per unit of material; corresponding material cost for each material per gallon of anti-freeze; name and address of the supplier of each material whose ceiling price or actual selling price was used.

(2) Detailed breakdown of costs, other than material costs per gallon of anti-freeze, showing:

(i) Package costs, excluding direct labor cost for packaging, for each size and type of container.

(ii) Direct labor costs for packaging for each size and type of container.

(iii) Direct labor costs for preparing the anti-freeze.

(iv) Statement of proposed terms of delivery and estimated freight absorption.

(3) Statement as to the number of gallons of the anti-freeze which must be added to one gallon of water to reduce the freezing point of the resulting mixture to 10 degrees below zero Fahrenheit, to zero degrees Fahrenheit, and by one degree Fahrenheit; specific gravity, boiling point and freezing point of the anti-freeze; boiling points and percentage compositions (by weight) of any constant boiling point mixtures which the anti-freeze forms with water; complete protection table, if available; and description and results of any tests that have been made as to the cooling properties, corrosive effects, and other properties of the anti-freeze.

(d) *Requirement of marking and posting.* Any authorization of ceiling prices under this section may contain such requirements as to the marking and posting of retail prices and other information as the Director of Price Stabilization may determine to be necessary to effectuate the purpose of this regulation.

(e) *Sales prohibited before prices established by OPS; exception.* You may not sell any anti-freeze required to be priced under this section until you have had ceiling prices established by the Director of Price Stabilization. If, however, ceiling prices had been established for your anti-freeze under another regulation before the effective date of this regulation, you may, after your application is filed, sell at those ceiling prices while your application under this section is pending before the Director of Price Stabilization.

6. The definitions of "Type S anti-freeze" and "Type SC anti-freeze" in paragraphs (6) and (7) of section 21 are amended by inserting the words "or natural" before the word "methanol" so as to make paragraphs (6) and (7) read as follows:

(6) "Type S anti-freeze" is an anti-freeze commonly regarded as a "volatile" or "non-permanent" anti-freeze containing as its principal freezing point depressant one or a combination of the following: Synthetic or natural methanol, synthetic ethanol, synthetic isopropanol and similar synthetic alcohols, except an anti-freeze defined as type SC anti-freeze.

(7) "Type SC anti-freeze" is an anti-freeze commonly regarded as a "volatile" or "non-permanent" anti-freeze containing as its principal freezing point depressant synthetic or natural methanol and containing more than 3 per cent water by volume.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154).

Effective date. This amendment shall become effective October 8, 1951.

NOTE: The reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

OCTOBER 3, 1951.

[F. R. Doc. 51-12071; Filed, Oct. 3, 1951; 11:23 a. m.]

[Ceiling Price Regulation 67, Amdt.]

CPR 67—RESELLERS' CEILING PRICES FOR CERTAIN SPECIFIED COMMODITIES

CHANGE IN LIST PRICES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 3 to Ceiling Price Regulation 67 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment provides that a reseller may not determine his ceiling price by the use of a list price issued by a manufacturer who has changed his discount structure after June 24, 1950.

The regulation requires a reseller to determine his ceiling prices by deducting the discounts, if any, or by adding the percentage markups, which he applied to the manufacturer's published list price during the last pre-Korean calendar quarter, April 1 through June 24, 1950. Further study has shown that between June 24, 1950, and the issuance of the General Ceiling Price Regulation some manufacturers increased their selling prices by decreasing their discounts and retaining the same list prices. In these cases, the former provisions of the regulation would not permit the reseller to reflect in his ceiling price the increased cost of the product to him after June 24, 1950. Other manufacturers increased their list prices by a greater percentage than they increased their net prices to resellers thus increasing the discounts which they allowed to resellers. In these cases the former provisions of the regulation permitted resellers to realize a greater percentage margin than they realized during the period April 1 through June 24, 1950. For these reasons, this amendment provides that a reseller may not determine his ceiling price by the use of a list price issued by a manufacturer who has changed his discount structure after June 24, 1950.

The wide coverage of this regulation made it impossible to consult in detail with representatives of all the industries affected. However, many individual views expressed informally to this Office requested action in the nature of this amendment.

AMENDATORY PROVISIONS

Ceiling Price Regulation 67 is amended by adding a new section 3 (a) (4) to read as follows:

(4) All discounts from the published list price (including cash discounts) which the manufacturer, who issued the published price list, currently has in effect must be the same as the discounts which that manufacturer had in effect on June 24, 1950.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective October 8, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

OCTOBER 3, 1951.

[F. R. Doc. 51-12073; Filed, Oct. 3, 1951; 4:00 p. m.]

[General Ceiling Price Regulation, Amdt. 2 to Revision 1 to Supplementary Regulation 2]

GCPR, SR 2—RETAIL COAL DEALERS

INCREASED FREIGHT COST

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 2 to Supplementary Regulation 2, Revision 1 to the General Ceiling Price Regulation, is hereby issued.

STATEMENT OF CONSIDERATIONS

On April 6, 1951 the Director of Price Stabilization issued Supplementary Regulation 2, Revision 1 to the General Ceiling Price Regulation which permitted the retail coal industry to increase their ceiling prices by the exact dollars-and-cents amount of the interim increases in freight rates authorized by the Interstate Commerce Commission in Ex Parte 175.

The Interstate Commerce Commission on August 8, 1951 issued its final decision in Ex Parte 175 granting authority to the bulk of common carriers to increase interstate rates on coal and coke effective upon 15 days' notice generally by 6% per net ton with a maximum permissible increase of $.20 per net ton. Such freight increases became effective on August 28, 1951. This increase in transportation costs is in all cases an additional cost which the retail coal dealer is required to absorb if he is not permitted to add it to his ceiling price.

The provisions of section 3 (c) of Revision 1, Supplementary Regulation 2, General Ceiling Price Regulation, provided that increase in rail or water transportation costs which have been permitted by order of the Director, of the Interstate Commerce Commission, or of a regulatory agency of any State, Territory or possession, which have or may have become effective since January 1, 1951, and on or before June 30, 1951, may be reflected in the dealer's prices. The statement of considerations accompanying Revision 1, Supplementary Regulation 2, to the General Ceiling Price Regulation contained the following language pertaining to need for pass-through authority on interim increases:

> The retail coal industry is a highly competitive one and has consistently been a low profit industry. Office of Price Administration surveys in the period of 1942–46 disclose that the industry operated at a loss on an over-all basis during the period of 1936–39, that the net profit margin of the industry in 1941 was 7 cents per net ton, and that the net profit position in 1945 was 18 cents per net ton. The Office of Price Administration found it necessary and provided in its Maximum Price Regulation 122, applying to the retail coal industry, to permit the retail coal industry to add to retail maximum prices all mine maximum price increases and freight rate increases made effective during the OPA period.
>
> Information presently available indicates that the retail coal industry has continued in a depressed financial condition. The absorption of the 2 percent or 6 cents per net ton increase would have the effect of forcing a substantial number of retail coal dealers to operate at a loss and to reduce profit margins to the vanishing point for a further substantial group of coal merchants. It is clear that in every case the 2 percent or 6 cents per net ton freight rate increase is an amount which constitutes a very substantial percentage of the entire net profit per ton earned by the retail coal industry. The Director is convinced that in the case of this particular industry it would be inequitable to compel the retail coal industry to absorb the amount of these freight rate increases.

The same reasons for permitting the addition of the amount of the interim increases authorized by Revision 1, Supplementary Regulation 2, General Ceiling Price Regulation, contained in the statement of consideration accompanying that revision quoted above, prevail as of this date, with respect to the permanent increase, and clearly indicate that absorption of the amount of the substantial freight rate increases would be inequitable.

Additional information received by the agency since the justification of the interim increase lends further support to the conclusions reached at that time. A study of actual operating costs and net margins of a group of retail coal dealers has been found to conform to the pattern of declining net margins which is indicated by all available evidence relating to earnings of the retail coal industry.

The provisions of the amendment extend the June 30, 1951, expiration date to January 1, 1952, which permits the retail coal industry to reflect the exact dollars-and-cents amount of transportation increases in the dealer's ceiling prices. This amendment permits retail solid fuels ceiling price increases based entirely upon actual advances in rail or water freight charges and does not increase retail dealers' margins.

FINDINGS OF THE DIRECTOR

In the judgment of the Director of Price Stabilization the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended; to prices prevailing during the period from May 24, 1950 to June 24, 1950, inclusive; and to relevant factors of general applicability.

In formulating this amendment the Director has consulted with representatives of the industry to the extent practicable under the circumstances and has given consideration to their recommendations.

AMENDATORY PROVISION

Supplementary Regulation 2, Revision 1, to the General Ceiling Price Regulation, as amended, is hereby further amended by changing the date of "June 30, 1951" and contained in section 3 (c) to "January 1, 1952," so that the paragraph will read as follows:

(c) Each retail coal dealer may increase the ceiling price of each size and kind of solid fuel he sells and delivers under this revised supplementary regulation by the exact amount of increase in transportation costs, rail or water, that have or may become effective since January 1, 1951, and on or before January 1, 1952: *Provided*, Such increase in transportation costs were authorized by the Director, an order of the Interstate Commerce Commission or any regulatory body of a state, territory or possession of the United States: *And provided further*, That the authority to increase the ceiling prices of each size or kind of solid fuel by the exact amount of increase in transportation costs shall be effective only upon receipt by the retail coal dealer of a carrier's invoice, freight bill or other statement of transportation charges, for each such size or grade of solid fuel, reflecting the increased freight charges and required to be paid by the retail coal dealer.

(Sec. 704, 64 Stat. 816, as Amended; 50 U. S. C. App. Sup. 2154.)

Effective date. This Amendment to Supplementary Regulation 2, Revision 1, to the General Ceiling Price Regulation shall become effective October 3, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

OCTOBER 3, 1951.

[F. R. Doc. 51–12072; Filed, Oct. 3, 1951; 11:24 a. m.]

[General Ceiling Price Regulation, Supplementary Regulation 70]

GCPR, SR 70—ADJUSTMENTS IN CEILING PRICES FOR SLAB ZINC AND PRIMARY LEAD PRODUCED IN THE UNITED STATES, ITS TERRITORIES OR POSSESSIONS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation No. 70 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation increases by 2 cents per pound the ceiling prices heretofore established for slab zinc and primary lead produced in the United States or its Territories or Possessions.

About one-third of the zinc and lead consumed in the United States comes from foreign sources and the wide discrepancy between world prices and prices in the United States for these strategic and critical metals has had a serious adverse effect upon the stabilization program and the defense effort. The Director of Defense Mobilization has announced the adoption of a broad program "designed to assure essential supplies of zinc and lead at stable and reasonable prices," and the action taken in this supplementary regulation, issued upon the instruction of the Director, constitutes one step in the implementation of that program. Also as part of the program, we are issuing concurrently herewith Supplementary Regulation 71 to the General Ceiling Price Regulation which establishes ceiling prices for foreign slab zinc and foreign primary lead at the general level of ceiling prices established herein for domestic material and prohibits any person from buying or receiving from any source, foreign slab zinc, foreign primary lead, or slab zinc or primary lead processed from foreign raw materials owned by him at a delivered cost in excess of the ceiling prices so established.

In the opinion of the Director of Price Stabilization, the provisions of this supplementary regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

So far as practicable, the Director has given due consideration to the national effort to achieve maximum production in furtherance of the objective of the Defense Production Act of 1950, as amended, and to relevant factors of general applicability. In the judgment of the Director, the ceiling prices established in this regulation for slab zinc and primary lead are not below the

lower of the prices prevailing just before the issuance of this regulation or the prices prevailing during the period January 25, 1951 to February 24, 1951, inclusive.

Special circumstances involved in the promulgation of this regulation made it impracticable for the Director to consult with industry representatives prior to its issuance.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Ceiling price adjustments.
3. Definitions.
4. Incorporation of GCPR provision.

AUTHORITY: Sections 1 to 4 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this supplementary regulation does.* This supplementary regulation increases the ceiling prices established by the General Ceiling Price Regulation for domestic slab zinc and domestic primary lead.

SEC. 2. *Ceiling price adjustments.* If you are a seller of domestic slab zinc or domestic primary lead, your ceiling price is the ceiling price determined in accordance with the General Ceiling Price Regulation plus 2 cents per pound.

SEC. 3. *Definitions.* When used in this regulation the term:

(a) "Domestic primary lead" includes (1) lead produced in the United States or its Territories or Possessions in the form of pigs, ingots, or other shapes and which is made from ores, concentrates, or bullion even though other lead bearing material is mixed with such ores, concentrates, or bullion, provided such other material accounts for 50 percent or less of the lead content thereof; and (2) lead produced in the United States or its Territories or Possessions in the form of pigs, ingots, or other shapes and which is made from lead described in subparagraph (1) of this paragraph, even though other lead bearing material is mixed therewith, provided that such other material accounts for 50 percent or less of the lead content thereof.

(b) "Domestic slab zinc" means zinc in the form of standard producer's slabs produced in the United States or its Territories or Possessions from ores, concentrates, or other zinc bearing materials (other than scrap).

SEC. 4. *Incorporation of GCPR provision.* Any person subject to this supplementary regulation is also subject to all provisions of the General Ceiling Price Regulation not inconsistent with the provisions of this regulation.

Effective date. This supplementary regulation shall become effective October 2, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

OCTOBER 2, 1951.

[F. R. Doc. 51–12019; Filed, Oct. 2, 1951; 3:58 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 71]

GCPR, SR 71—FOREIGN SLAB ZINC AND PRIMARY LEAD

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation No. 71 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation establishes ceiling price for foreign slab zinc and foreign primary lead at the level of the adjusted ceiling prices being established concurrently herewith for similar domestic products and prohibits any person in the United States, its Territories or Possessions from purchasing or receiving, from any source, foreign slab zinc, foreign primary lead, or slab zinc or primary lead processed from foreign raw materials owned by him at a delivered cost above the ceiling prices established herein.

Zinc and lead are strategic and critical materials having many important applications in our defense program. The outbreak of hostilities in Korea initiated a sharp upward movement in the prices for these metals and although this trend was halted for domestic output by the issuance of the General Ceiling Price Regulation on January 26, 1951, it continued with respect to metals produced outside thereof. Currently, prices being paid for zinc and lead produced outside of the United States are 5 cents or more a pound above the ceiling prices established for domestic supplies.

Since about one-third of the zinc and lead consumed in the United States comes from foreign sources, the wide discrepancy between domestic and world prices has a serious adverse effect upon the stabilization program and the defense effort. Sellers in the United States who normally sold imported zinc and lead at domestic prices have discontinued such sales and the purchase of these metals from foreign sources by domestic consumers has contributed to the continued rise in world prices. As a consequence, normal distribution has been disrupted, serious problems have been created for our allocation programs, and pressures have developed upon the ceiling prices established for the products in which these metals are used.

At the direction of the Director of Defense Mobilization, an over-all program with respect to zinc and lead has been developed to correct the conditions which now exist. This program embraces a number of measures designed as a whole to stabilize the prices for such metals consumed in the United States at levels which can be maintained for some time and involves, among other things, actions which will lower the cost of material from foreign sources. This supplementary regulation, issued upon the instruction of the Director of Defense Mobilization, constitutes one step in the implementation of that program. It is believed that the adjustment in the ceiling prices for zinc and lead of foreign origin granted by this supplementary regulation will operate to restore the basis upon which such materials were normally sold while the limitation upon the prices which consumers may pay for zinc and lead obtained outside of the United States will alleviate to some extent the upward pressure upon world prices. While these measures alone might be inadequate to solve the problems which have arisen, they are an integral part of the over-all program and it is anticipated that other agencies will shortly put into effect the other aspects which fall within their areas of responsibility.

In order to avoid undue hardship and to permit a re-adjustment of existing contracts, the prohibition against imports at prices in excess of the ceilings set forth in this supplementary regulation does not apply to any material which is now in transit or to any material purchased pursuant to written contracts entered into prior to the effective date of the regulation if the material is shipped on or before November 30, 1951, and if copies of such contracts are filed with OPS by October 20, 1951.

In the opinion of the Director of Price Stabilization, the provisions of this supplementary regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

So far as practicable, the Director has given due consideration to the national effort to achieve maximum production in furtherance of the objective of the Defense Production Act of 1950, as amended, and to relevant factors of general applicability. In the judgment of the Director, the ceiling prices established in this regulation for slab zinc and primary lead are not below the lower of the prices prevailing just before the issuance of this regulation or the prices prevailing during the period January 25, 1951 to February 24, 1951, inclusive.

Special circumstances involved in the promulgation of this regulation made it impracticable for the Director to consult with industry representatives prior to its issuance.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Ceiling prices for foreign slab zinc and foreign primary lead.
3. Prohibition against purchases or receipts at above ceiling prices.
4. Definitions.
5. Record-keeping requirements.
6. Incorporation of GCPR provision.

AUTHORITY: Sections 1 to 6 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this supplementary regulation does.* This supplementary regulation:

(a) Establishes ceiling prices for foreign slab zinc and foreign primary lead; and

(b) Prohibits any person in the United States, its Territories or Possessions from

purchasing or receiving, from any source, foreign slab zinc, foreign primary lead, or slab zinc or primary lead processed from foreign raw materials owned by him at a delivered cost in excess of the ceiling prices established herein.

SEC. 2. *Ceiling prices for foreign slab zinc and foreign primary lead*—(a) *Foreign slab zinc.* If you are a seller of foreign slab zinc, your ceiling price is the applicable price set forth in this paragraph (a). The ceiling prices set forth herein are exclusive of applicable import duties levied by the United States and such duties may be for the account of the purchaser.

(1) The ceiling delivered price for any quantity of special high or high grade is the applicable price set forth in Table A.

TABLE A

Grade	Specifications—Maximum impurities (percent)					Price (cents per pound)
	Lead	Iron	Cadmium	Aluminum	Total	
Special High	0.007	0.005	0.005	None	0.010	21
High	.07	.02	.07	None	.10	20.85

(2) The ceiling delivered price for any quantity of the grades listed in Table B is the applicable price set forth therein plus the railroad carload freight rate from East St. Louis, Illinois, to the purchaser's rail receiving point.

TABLE B

Grade	Specifications—Maximum impurities (percent)					Price (cents per pound)
	Lead	Iron	Cadmium	Aluminum	Total	
Intermediate	0.20	0.03	0.50	None	0.50	20.00
Brass special	.60	.03	.50	None	1.00	19.75
Selected	.80	.04	.75	None	1.25	19.60
Prime Western	1.60	.08	-----	None	1.25	19.50

(b) *Foreign primary lead.* If you are a seller of foreign primary lead, your ceiling price for this commodity is the applicable price set forth in this paragraph. The ceiling prices established herein are exclusive of applicable import duties and such duties may be for the account of the purchaser.

(1) The ceiling delivered price for any quantity of common lead delivered to a point listed in Table C is the applicable price set forth in that table. The ceiling delivered price for any point not listed in Table C is the price set forth in such table for the point nearest such unlisted point.

TABLE C

Point of delivery	*Price (cents per pound)*
Alabama:	
Birmingham	19.00
Fairfield	19.00
California:	
Los Angeles	19.00
Melrose	19.00
Oakland	19.00
San Francisco	19.00

TABLE C—Continued

Point of delivery	*Price (cents per pound)*
Colorado:	
Denver	19.00
Connecticut:	
Bridgeport	19.075
New Haven	19.075
New London	19.075
Torrington	19.075
Waterbury	19.075
Waterville	19.075
Georgia:	
Atlanta	19.00
Illinois:	
Aurora	18.90
Chicago	18.90
Cicero	18.90
Dixon	18.90
East Alton	18.80
Evanston	18.90
Granite City	18.80
Greenville	18.90
Greenwood Boulevard	18.90
Joliet	18.90
Kensington	18.90
Peoria	18.90
Waukegan	18.90
West Pullman	18.90
Indiana:	
Charlestown	19.00
Gary	18.90
Grasselli	18.90
Hammond	18.90
Indianapolis	19.00
Kokomo	19.00
Marion	19.00
Muncie	19.00
Whiting	18.90
Iowa:	
Keokuk	18.90
Kansas:	
Topeka	18.85
Kentucky:	
Louisville	19.00
Louisiana:	
Baton Rouge	19.00
New Orleans	19.00
Maryland:	
Baltimore	19.00
Massachusetts:	
Boston	19.075
Cambridge	19.075
Springfield	19.075
Worcester	19.075
Michigan:	
Detroit	19.00
Port Huron	19.00
River Rouge	19.00
Minnesota:	
Duluth	18.90
Minneapolis	18.90
St. Paul	18.90
Missouri:	
Joplin	18.85
Kansas City	18.85
Neosho	18.85
St. Louis	18.80
Nebraska:	
Omaha	18.85
New Hampshire:	
Portsmouth	19.075
New Jersey:	
Bayonne	19.00
Bloomfield	19.00
Carney's Point	19.00
Dundee	19.00
Elizabeth	19.00
Grasselli	19.00
Irvington	19.00
Jersey City	19.00
Kearny	19.00
Newark	19.00
New Brunswick	19.00
Passaic	19.00
Paterson	19.00
Perth Amboy	19.00
Phillipsburg	19.00
Roebling	19.00
Trenton	19.00

TABLE C—Continued

Point of delivery	*Price (cents per pound)*
New York:	
Albany	19.00
Brooklyn	19.00
Buffalo	19.00
Glendale, Long Island	19.00
Glens Falls	19.075
Green Island	19.00
Hastings	19.00
Long Island City	19.00
Maspeth, Long Island	19.00
New York	19.00
Niagara Falls	19.00
Richfield Springs	19.00
Rochester	19.00
Rome	19.00
Schenectady	19.00
Syracuse	19.00
West Albany	19.00
Yonkers	19.00
North Carolina:	
Winston-Salem	19.00
Ohio:	
Akron	19.00
Canton	19.00
Cincinnati	19.00
Cleveland	19.00
Delta	19.00
East Liverpool	19.00
Lorain	19.00
Martins Ferry	19.00
Niles	19.00
Portsmouth	19.00
Reading	19.00
Oklahoma:	
Oklahoma City	19.00
Pennsylvania:	
Allentown	19.00
Ambridge	19.00
Crescentville	19.00
Donora	19.00
East Pittsburgh	19.00
Erie	19.00
Fort Washington	19.00
Monessen	19.00
New Castle	19.00
New Brighton	19.00
Philadelphia	19.00
Pittsburgh	19.00
Rankin	19.00
Reading	19.00
Scranton	19.00
Wilkes-Barre	19.00
Rhode Island:	
Bristol	19.075
Pawtucket	19.075
Phillipsdale	19.075
Providence	19.075
Tennessee:	
Memphis	19.00
Texas:	
Dallas	19.00
El Paso	19.00
Houston	19.00
San Antonio	19.00
Virginia:	
Norfolk	19.00
Richmond	19.00
Washington:	
Seattle	19.00
West Virginia:	
Charleston	19.00
Weirton	19.00
Wheeling	19.00
Wisconsin:	
Burlington	18.90
Kenosha	18.90
Milwaukee	18.90
New Glarus	18.90
New London	18.90

(2) The ceiling delivered price for each kind and grade of lead listed in Table D, is the applicable price set forth in subparagraph (1) of this paragraph plus the applicable premium set forth in Table D.

TABLE D

Kind or grade	Premium (cents per pound)
Corroding lead	0.10
Chemical lead	.10
Copperized lead made from:	
Common lead	.15
Corroding lead	.15

SEC. 3. *Prohibition against purchases or receipts at above ceiling prices*—(a) *Prohibition.* Regardless of any contract or other obligation, on and after the effective date of this supplementary regulation you must not purchase or receive (except as provided in paragraph (c) of this section), from any source, any of the following commodities at a delivered cost in excess of the applicable ceiling price established in section 2 of this regulation:

(1) Foreign slab zinc;

(2) Foreign primary lead; or

(3) Slab zinc or primary lead processed by another person on a toll or conversion basis from foreign raw materials owned by you.

(b) *Delivered cost.* The term "delivered cost" as used in this regulation means the price you pay, directly or indirectly, for foreign slab zinc, foreign primary lead, or foreign raw materials plus any expenses incurred by you in purchasing and obtaining delivery of such commodities, including but not limited to:

(1) Transportation costs;

(2) Export taxes;

(3) Other commodity taxes (other than import duties levied by the United States);

(4) Dock and handling charges;

(5) Clearance;

(6) Insurance;

(7) Letter of credit expense;

(8) Commissions and fees paid to purchasing agents or other intermediaries, and

(9) Toll or conversion charges.

(c) *Exceptions.* The prohibition set forth in paragraph (a) of this section does not apply to:

(1) Purchases or receipts of foreign slab zinc or foreign primary lead in transit to you on or before the effective date of this regulation;

(2) Purchases or receipts of foreign raw materials owned by you and in transit to a processor in the United States, its Territories or Possessions on or before the effective date of this regulation;

(3) Purchases or receipts of foreign slab zinc, foreign primary lead or foreign raw materials imported into the United States, its Territories or Possessions in bond and re-exported;

(4) Purchases or receipts of foreign slab zinc, foreign primary lead, or foreign raw materials which are not imported into the United States, its Territories or Possessions; or

(5) Purchases or receipts of foreign slab zinc, foreign primary lead or foreign raw materials pursuant to written contracts entered into before the effective date of this regulation if (i) the material involved is in transit to you, or in the case of foreign raw materials, to a processor located in the United States, its Territories or Possessions, on or before November 30, 1951; and (ii) you file with the Office of Price Stabilization, Washington, D. C., by October 20, 1951, a copy of the contract pursuant to which you will purchase or receive such material.

SEC. 4. *Definitions.* When used in this regulation, the term:

(a) "Foreign raw materials" means ores, concentrates, or other raw materials (including scrap), containing zinc or lead and produced outside of the United States, its Territories or Possessions;

(b) "Foreign primary lead" means primary lead produced outside of the United States, its Territories or Possessions;

(c) "Foreign slab zinc" means slab zinc produced outside of the United States, its Territories or Possessions;

(d) "Primary lead" means lead in the form of pigs, ingots, or other shapes made from ores, concentrates, or bullion, even though other lead-bearing material is mixed with such ores, concentrates, or bullion, provided such other material accounts for 50 percent or less of the lead content thereof;

(e) "Slab zinc" means zinc in the form of standard producer's slabs produced from ores, concentrates, or other zinc bearing materials (including scrap);

(f) "You" means any person in the United States, its Territories or Possessions.

SEC. 5. *Record-keeping requirements.* (a) If you sell foreign slab zinc or foreign primary lead, you must keep for inspection by the Director of Price Stabilization, for a period of two years, records showing:

(1) The quantity of each kind, grade, shape or form of foreign slab zinc or foreign primary lead produced or purchased by you, broken down on the basis of country of origin;

(2) With respect to each sale of foreign slab zinc or foreign primary lead: the name and address of the purchaser; the date of sale; the quantity of each kind or grade sold; the price charged for each such kind or grade; the country in which the material was produced; and the disposition of transportation charges.

(b) If you purchase or receive any foreign slab zinc, foreign primary lead, or slab zinc or primary lead processed by another person from foreign raw materials owned by you, you must keep for inspection by the Director of Price Stabilization, for a period of two years, records of each such purchase or receipt showing: the date thereof; the name and address of the seller or processor; the country of origin of the material purchased or received; the price paid; the point of shipment and the point of delivery; the name and address of any agent or other intermediary engaged by you to assist in the purchase; and all expenses, as described in section 3 (b) of this regulation, incurred by you in connection with such purchase or receipt.

SEC. 6. *Incorporation of GCPR provision.* Any person subject to this supplementary regulation is also subject to all provisions of the General Ceiling Price Regulation not inconsistent with the provisions of this regulation.

Effective date. This supplementary regulation shall become effective October 2, 1951.

NOTE: All record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

OCTOBER 2, 1951.

[F. R. Doc. 51-12018; Filed, Oct. 2, 1951; 3:58 p. m.]

Chapter IV—Salary and Wage Stabilization, Economic Stabilization Agency

Subchapter A—Salary Stabilization Board

[Interpretation 1]

INT. 1.—EXEMPTION FROM SALARY STABILIZATION OF CERTAIN PHYSICIANS AND ATTORNEYS

This is an official interpretation of the terms used in, and the scope of the exemptions granted by, paragraph (ii) of section 402 (e) of the Defense Production Act of 1950, as amended by the Defense Production Act Amendments of 1951, as such terms and exemptions are construed by the Office of Salary Stabilization.

The statute provides that the authority conferred by Title IV which relates, among other things, to salary stabilization shall not be exercised with respect to:

> Rates or fees charged for professional services; wages, salaries, and other compensation paid to physicians employed in a professional capacity by licensed hospitals, clinics and like medical institutions for the care of the sick or disabled; wages, salaries and other compensation paid to attorneys licensed to practice law employed in a professional capacity by an attorney or firm of attorneys engaged in the practice of his or their profession.

1. *Exempt employees*—(a) *Attorneys.* To be exempt, an attorney must be admitted to practice law in the jurisdiction where he is employed in a professional capacity. A law student, a law clerk or an attorney employed in a jurisdiction in which he is not admitted to practice law is not covered by the exemption.

(b) *Physicians.* A physician must possess a license to practice medicine, granted by the jurisdiction where he is employed in a professional capacity, in the branch of the medical profession in the practice of which he is engaged. The exemption does not extend to the salaries and other compensation of employees engaged in the auxiliary branches of the medical profession, such as employed pharmacists, nurses, optometrists, dental technicians or chiropodists. On the other hand, dentists are considered physicians. The salaries and other compensation of employed osteopaths and chiropractors (podiatrists) are exempt only when licensed under state law to practice their particular specialties.

2. *"Employed in a professional capacity."* The exemption extends to an attorney or physician only if he is employed in a professional capacity. An attorney or physician is employed in a professional capacity if he performs work which requires application of his legal or medical knowledge and exercise of discretion or judgment, and which is predominantly intellectual and varied in character. Professional work must be the employee's primary duty and at least half of his time must be spent in professional work.

(a) *Attorneys.* Attorneys are sometimes employed by law firms as office managers, investigators, or secretaries. Their functions in such capacities are clerical or administrative, and professional work as an attorney-at-law is not their primary duty. To the extent that non-professional activities predominate, such attorneys are not exempt from the jurisdiction of the Salary Stabilization Board.

Attorneys may be employed in a dual capacity, such as being associated with a firm of attorneys and acting as officer of a business corporation at the same time. In such instances, the salary received for services as such corporate employee remains subject to salary stabilization. To be exempt, an attorney must be employed and paid by an attorney or firm of attorneys engaged in the practice of his or their profession; attorneys in the employ of any other employer are not exempted by the statute.

(b) *Physicians.* Generally, physicians employed by licensed hospitals on a salary basis either to treat hospital patients, as medical specialists, or as superintendents or administrators of hospitals. All such physicians are considered employed in a professional capacity and are included in the statutory exemption. Physicians employed in the same capacities by lawfully operated clinics and like medical institutions for the care of the sick or disabled are also exempt from salary stabilization.

On the other hand, employment of a physician by another physician carrying on his practice is not exempt. The statute does not apply to this relationship.

Physicians employed in the course of their employer's ordinary business other than those employed in a professional capacity by a licensed hospital, clinic or like medical institution for care of the sick or disabled are not covered by the exemption. Physicians employed both in a capacity exempt under the statute and in non-exempt employment remain under salary stabilization with regard to the latter employment.

3. *Physicians employed "by" licensed hospitals.* The statute requires that a physician, to be exempt, must be employed either by a licensed hospital, clinic or like medical institution for the care of the sick or disabled.

A licensed hospital, clinic or like medical institution for the care of the sick or disabled may be operated not as an independent institution, but either primarily or entirely as a service for the employees of a business enterprise or for the members of a labor union. Physicians employed by such institutions are considered exempt as to their compensation, provided they are employed as physicians of the institution operated by their employer.

Physicians employed in a licensed hospital, clinic or like medical institution operated by a medical care foundation or plan or health insurance organization are likewise exempt.

4. *Licensed hospitals, clinics and like medical institutions for the care of the sick or disabled*—(a) *"Licensed".* Hospitals must either be licensed by appropriate authority in the jurisdiction in which the hospital is operated, or, if no license is required by such authority, must comply with minimum standards of operation and be subject to supervision prescribed by local law.

Clinics and like medical institutions for the care of the sick or disabled must be operated in conformity with the requirements of any applicable local law. The exemption of physicians applies only to the hospital, clinic or like institution for the care of the sick or disabled which is operated in compliance with the foregoing.

(b) *Hospitals.* Hospitals are medical institutions for the in-patient diagnosis and treatment of illness or bodily injury, furnishing room and board so as to allow patients to be given continuing medical or surgical care (including obstetrics) within the institution. They are very broadly defined in the Hospital Survey and Construction Act (42 U. S. C. 291) and the regulation thereunder (42 CFR 53.1) as including:

> Public health centers and general, tuberculosis, mental, chronic disease, and other types of hospitals, related facilities, such as laboratories, out-patient departments, nurses' home and training facilities, and central service facilities operated in connection with the hospitals but not institutions furnishing primarily domiciliary care.

Physicians employed by corporations or other organizations whose services are rendered elsewhere than in a licensed hospital, clinic or like medical institution are not exempt. Physicians employed by insurance companies to examine applicants for insurance or in workmen's compensation cases and physicians employed to write medical literature or carry on medical research for manufacturers of drugs and pharmaceutical products are business employees and are not exempt from stabilization.

(c) *Clinics.* Clinics are institutions performing medical services for the treatment of illness or bodily injury on an out-patient basis. As distinguished from hospitals, they are not equipped for in-patient care.

(d) *Like medical institutions for the care of the sick or disabled.* These are institutions which combine medical treatment with general residential facilities, such as sanitaria for the treatment of tuberculosis patients, the mentally ill or other chronic ailments. They are generally considered hospitals by the medical profession.

Some institutions have for their primary purpose the furnishing of domiciliary care rather than medical treatment. Residence homes for the blind, for old people, for persons suffering similar confining disabilities or maternity homes are in this category and are not considered institutions for the care of the sick or disabled within the meaning of the statute.

5. *An attorney or firm of attorneys engaged in the practice of his or their profession.* For the statutory exemption to apply, the employing attorney or attorneys must be self-employed and must practice either in their own name or as partners of a firm.

The employing attorney or firm of attorneys must be engaged in professional legal work as distinguished from non-legal work, such as that of legal reporting bureaus, detective and investigation agencies, or the management of publications serving the legal profession. The attorney himself, not a client of the attorney, must be the employer.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.)

Approved: September 28, 1951.

J. D. COOPER,
Executive Director.

[F. R. Doc. 51–12075; Filed, Oct. 3, 1951; 11:36 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M–70, as Amended Oct. 1, 1951]

M–70—MARINE MAINTENANCE, REPAIR, AND OPERATING SUPPLIES AND MINOR CAPITAL ADDITIONS

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by section 101 of the Defense Production Act of 1950, as amended. In the formulation of this order as amended, consultation with industry representatives has been rendered impracticable due to the necessity for immediate action.

NPA Order M–70 is hereby amended in the following respects: All references to the third calendar quarter of 1951 are changed to read "the fourth calendar quarter of 1951;" all references to the rating DO–91P are changed to read "DO–R–9;" and the alternative references to the NPA Controlled Materials Plan is eliminated. As so amended, NPA Order M–70 reads as follows:

Sec.

Sec.
15. Records, reports, audit, and inspection.
16. Applications for adjustment or exception.
17. Communications.
18. Violations.

AUTHORITY: Sections 1 to 18 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, as amended; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* The purpose of this order is to provide a procedure whereby maintenance, repair, and operating supplies, as well as minor capital additions, for water transportation systems may be obtained during the fourth calendar quarter of 1951. It provides a procedure to be used for the application of DO ratings.

SEC. 2. *Definitions.* For the purposes of this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States or any other government.

(b) "Water transportation system" means any domestically owned American flag vessel of any type on the inland waterways, or Great Lakes, or in coastwise, intercoastal, or seagoing service, except a vessel subject to the jurisdiction of the Coast Guard or to the jurisdiction of the Department of Defense as a claimant agency under DPA Order 1, except floating equipment owned by a railroad when MRO is furnished or performed by such railroad, and except vessels operated exclusively for pleasure.

(c) "Water transportation system consumer" means the owner, lessee, or charterer of a water transportation system.

(d) "Foreign flag vessels" means those vessels registered in countries other than the United States or Canada.

(e) "Canadian flag vessels" means those vessels registered in the Dominion of Canada.

(f) "Supplier" means a distributor of marine MRO or minor capital additions for the use of water transportation systems.

(g) "Ship repair yard" means any person, located in the United States, its territories or possessions, who regularly provides MRO or minor capital additions for boats and vessels.

(h) "Maintenance" means the minimum upkeep necessary to continue any unit of water transportation or a part or a component thereof in sound working condititon. "Maintenance" also means the reactivation of vessels in storage or not in usable condition.

(i) "Repair" means the restoration to sound working condition of any vessel or a part or a component thereof when it has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts, or the like.

(j) "Maintenance" and "repair" include the replacement of any marine equipment regardless of its accounting classification, but neither "maintenance" nor "repair" includes addition to a unit of water transportation or a part or a component thereof which is in sound working condition with material of a new or different kind, quality, or design. Where a replacement is more economical than a repair, such replacement shall not be undertaken under any provision of this order in the absence of the specific approval of the National Production Authority.

(k) "Operating supplies" means material, other than fuel, which is used or consumed in the course of operations of a water transportation system.

(l) "Minor capital additions" means any improvement, addition, betterment, or conversion of a kind carried as capital by a water transportation system, but no such improvement, addition, betterment, or conversion shall exceed $750 in cost. In computing the cost of such improvement, addition, betterment, or conversion for purposes of this order, the cost of all materials obtained by the person pursuant to the same project or plan shall be included even though the respective materials are ordered or delivered at different times and are obtained from different sources of supply. No capital addition shall be subdivided for the purpose of bringing it or any part of it within the foregoing limitations. "Minor capital addition" does not include conversions covered by present or future orders or directives issued by the National Production Authority.

(m) "MRO" means maintenance, repair, and operating supplies as defined in this section but exclusive of fuel, and does not include minor capital additions. The latter term is specifically used in this order wherever the meaning so requires. Materials or products sold by a supplier thereof or a ship repair yard for "MRO" shall not be deemed "MRO" as to such supplier. While the order applies to water transportation system consumers, suppliers, and ship repair yards and supersedes NPA Reg. 4, as amended, with respect to their marine MRO, it does not provide for their other "MRO" and minor capital additions, the procurement of which remains subject to all of the provision of NPA Reg. 4, as amended.

(n) "Controlled materials" means steel, copper, and aluminum in the forms and shapes specified in Schedule I of CMP Regulation No. 1.

(o) "NPA" means the National Production Authority.

SEC. 3. *DO rating assigned.* Subject to the limitations of section 4 of this order with respect to water transportation system consumers, section 5 of this order with respect to suppliers, section 6 with respect to ship repair yards, section 7 with respect to foreign flag vessels, and section 9 with respect to Canadian flag vessels, the NPA hereby assigns to such persons the right to apply a DO–R–9 rating to obtain MRO and minor capital additions for delivery during the fourth calendar quarter of 1951. The DO–R–9 rating shall be applied as provided in section 10 of this order.

SEC. 4. *Water transportation system consumer's use of rating and quota limitations.* A water transportation system consumer who desires to apply the DO rating herein assigned shall apply the rating only to the extent and in the manner prescribed by this section as follows:

(a) *Quarterly MRO and minor capital additions quota.* Every water transportation system consumer applying the DO–R–9 rating to obtain the MRO and minor capital additions of a water transportation system or systems must establish a quarterly quota for this purpose, which quota shall be 120 percent of the amount he expended to obtain MRO for his water transportation system or systems during the fourth calendar quarter of 1950, unless he elects to use the first calendar quarter of 1951. An election to use the first calendar quarter of 1951 may not subsequently be changed without the prior written authorization of NPA. In computing his quota, the water transportation system consumer shall include total expenditures for such MRO during the quarter selected, excluding expenditures for minor capital additions.

(b) *Charges against quota.* Any water transportation system consumer who applies the DO–R–9 rating for the purposes of this section shall charge against his quarterly MRO quota:

(1) The cost of all MRO ordered for delivery during the quarter, whether or not obtained by use of the DO–R–9 rating, and

(2) The cost of all minor capital additions ordered for delivery during the quarter only if obtained by use of the DO–R–9 rating.

(c) *Prohibition against exceeding quota.* No person shall order for delivery during the fourth calendar quarter of 1951 a quantity of material chargeable against his MRO quota which exceeds the amount of such quota.

SEC. 5. *Supplier's use of rating, increase of inventory, and inventory limitation.* A supplier may apply the DO–R–9 rating to obtain stocks of inventory for delivery during the fourth calendar quarter of 1951 to the extent necessary to bring his inventory to 120 percent of the dollar amount of his average, end-of-the-month inventory during the fourth calendar quarter of 1950, or to a practicable minimum working inventory as defined by NPA Reg. 1, as amended, whichever is less. No inventory stocks obtained by use of the DO–R–9 rating shall be used, sold, transferred, or otherwise disposed of, for any purpose other than the maintenance, repair, or operation of a water transportation system, foreign flag vessel, or Canadian flag vessel, including minor capital additions therefor. Further, any inventory stocks obtained by the use of the DO–R–9 rating may be used only to fill orders rated with a DO–R–9 rating.

SEC. 6. *Ship repair yard's use of rating, increase of inventory, and inventory limitation*—(a) *Controlled materials.* No ship repair yard shall apply the DO–R–9 rating to obtain MRO of controlled materials. Ship repair yards will obtain controlled materials in accordance with the provisions of CMP Regulations Nos. 1 and 3.

(b) *Increase of inventory and inventory limitation on materials other than controlled materials.* A ship repair yard may apply the DO–R–9 rating to obtain stocks of inventory of materials other than controlled materials for delivery during the fourth calendar quarter of

1951 to the extent necessary to bring such inventory to 120 percent of the dollar amount of his average, end-of-the-month inventory of such materials other than controlled materials during the fourth calendar quarter of 1950, or to a practicable minimum working inventory as defined by NPA Reg. 1, as amended, whichever is less. No inventory stocks obtained by use of the DO–R–9 rating shall be used, sold, transferred, or otherwise disposed of, for any purpose other than the maintenance, repair, or operation of a water transportation system, foreign flag vessel, or Canadian flag vessel, including minor capital additions therefor. Further, any inventory stocks obtained by the use of the DO–R–9 rating may be used only to fill orders rated with a DO–R–9 rating.

SEC. 7. *Foreign flag vessel's use of rating.* The DO–R–9 rating herein assigned may not be applied to obtain MRO or minor capital additions for foreign flag vessels unless authorized in writing by NPA pursuant to a written application for such authority. Such application shall be made in triplicate on Form NPAF–104 and filed with the National Production Authority, Washington 25, D. C. Where a foreign flag vessel is damaged at sea and cannot continue safely to its own port, either under its own power or otherwise, but is able to reach a port in the United States for repairs, application may be made by telegraph or radiogram stating such facts, the identification of the vessel, and any other facts believed pertinent. Such telegraph or radiogram application shall be supported, as soon as possible, by filing completed Form NPAF–104 in triplicate with NPA.

SEC. 8. *Status of orders rated DO–R–9.* Unless NPA shall otherwise provide, the allotment number R–9 shall be used on all delivery orders for controlled materials, and the DO rating DO–R–9 shall be used on all delivery orders for products and materials other than controlled materials placed pursuant to this order. Such orders shall be certified as provided in section 10 of this order, and such certification shall constitute a representation to the seller and NPA that the purchaser is authorized to use the allotment number or the rating under the provisions of this order to obtain the materials covered by the delivery order.

SEC. 9. *Canadian flag vessel's use of rating.* Notwithstanding the provisions of NPA Reg. 3, as amended, Canadian flag vessels shall apply for assistance in connection with MRO and minor capital additions in the same manner as provided in section 7 of this order and, when authorized, shall apply the DO–R–9 rating and not the DO–47 rating authorized by said Reg. 3.

SEC. 10. *Application and certification of rating*—(a) *By water transportation system consumer and supplier.* The DO rating may be applied by a water transportation system consumer or supplier by placing on an order, or on a separate piece of paper attached to the order, the symbol "DO–R–9," together with the words "Certified under NPA Order M–70 and NPA Reg. 2." Such certification shall be signed as prescribed in section 8 of NPA Reg. 2. This certification constitutes a representation to the recipient and to NPA that the person using the DO–R–9 rating is authorized to use it as provided in this order.

(b) *By ship repair yard.* (1) The DO rating and certification on an order by a ship repair yard for materials other than controlled materials shall be applied and certified in accordance with paragraph (a) of this section.

(2) The DO rating and certification on an order by a ship repair yard for controlled materials shall be applied and certified in accordance with paragraph (a) of this section and, in addition, the certification shall contain the serial number assigned by NPA in granting the assistance.

(c) *By foreign flag and Canadian vessels.* The DO rating and certification by a foreign flag or Canadian vessel shall be applied and certified in accordance with paragraph (a) of this section and, in addition, the certification shall contain the serial number assigned by NPA in granting the assistance.

SEC. 11. *Limitation on application of rating.* No person shall apply the DO–R–9 rating to obtain material:

(a) For any unauthorized purpose or in amounts greater than required for an authorized purpose under this order.

(b) Which can be obtained within the time required without the use of a rating.

(c) The use of which can be eliminated without serious loss of efficiency by substitution of less scarce material.

SEC. 12. *Limitation on extension of rating.* A supplier or ship repair yard may apply the DO–R–9 rating assigned by this order and within its limitations, but neither a supplier nor a ship repair yard may extend, either to obtain materials other than controlled materials normally carried in his inventory or to obtain controlled materials, a DO–R–9 rating received by him from another person.

SEC. 13. *Prohibited deliveries.* No person shall accept an order for, or sell, deliver, or cause to be delivered, material which he knows, or has reason to believe, will be accepted, held, or used in violation of any provision of this order.

SEC. 14. *Application to other orders and regulations.* The provisions of NPA Reg. 4, as amended, relating to MRO and minor capital additions, are superseded to the extent that they are inconsistent with this order, except that a DO–R–9 rating may not be applied under this order to the items listed in List A of NPA Reg. 2, or Table I of NPA Reg. 4, as they may be amended from time to time. The provisions of NPA Reg. 3, as amended, relating to MRO and minor capital additions for persons located in Canada, are superseded to the extent that they are inconsistent with this order. All of the provisions of CMP Regulation No. 3, section 5, as to status of delivery orders, shall apply to orders bearing an allotment number or DO rating pursuant to section 8 of this order.

SEC. 15. *Records, reports, audit, and inspection.* (a) Each person participating in any transaction covered by this order shall retain in his files, for at least 2 years, records of receipts, deliveries, inventory, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method, nor does it require alteration of the system of records customarily maintained, provided the system provides an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(b) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

(c) Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 16. *Applications for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing and in triplicate, shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor. More particularly, the applicant shall fully describe the nature of his business or other activity, indicating any seasonal or other unusual features, products made or distributed, or services or other activities performed, and the quarterly volume of such business or other activity since January 1, 1950. The applicant shall state the total amount spent for MRO in each quarter since January 1, 1950, and, if increase in quota is requested, specify the amount of increase requested.

SEC. 17. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M–70.

SEC. 18. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of NPA or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment, or both. In addition, ad-

ministrative action may be taken against such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order as amended shall take effect on October 1, 1951.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 51-11917; Filed, Oct. 1, 1951; 12:41 p. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING.

ETHIOPIA (ABYSSINIA)

In § 127.247 *Ethiopia (Abyssinia)*, make the following changes in paragraph (b) (1):

1. Amend the table of rates in subdivision (i) to read as follows:

Pounds:	*Rate*	Pounds:	*Rate*
1	$0.42	23	$4.64
2	.56	24	4.78
3	.94	25	4.92
4	1.08	26	5.06
5	1.22	27	5.20
6	1.36	28	5.34
7	1.50	29	5.48
8	1.77	30	5.62
9	1.91	31	5.76
10	2.05	32	5.90
11	2.19	33	6.04
12	2.73	34	6.56
13	2.87	35	6.70
14	3.01	36	6.84
15	3.15	37	6.98
16	3.29	38	7.12
17	3.43	39	7.26
18	3.57	40	7.40
19	3.71	41	7.54
20	3.85	42	7.68
21	3.99	43	7.82
22	4.13	44	7.96

2. In the tabulated information under the table of rates in subdivision (i) strike "22 pounds" opposite "weight limit" and insert in lieu thereof "44 pounds."

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 51-11903; Filed, Oct. 3, 1951; 8:48 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter A—General Rules and Regulations

[S. O. 881]

PART 95—CAR SERVICE

REFRIGERATOR CARS FOR TRANSPORTING COTTON

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 28th day of September A. D. 1951.

It appearing, that the number of freight cars available for the movement of box car freight in the States of California and Arizona has seriously decreased recently; that at present the supply is insufficient to move such freight traffic of carriers serving those States; that there are certain SFRD and PFE refrigerator cars in California and Arizona not suitable for transporting commodities requiring protective service and that such cars are suitable for transporting other freight; in the opinion of the Commission an emergency exists requiring immediate action in California and Arizona. *It is ordered*, That:

§ 95.881 *Refrigerator cars for transporting cotton.* (a) Any common carrier by railroad subject to the Interstate Commerce Act, serving points in California and Arizona, may at its option furnish and transport for each box car ordered:

UNCOMPRESSED COTTON

Not more than four (4) refrigerator cars, of SFRD or PFE ownership, not suitable for transporting commodities requiring protective service, for loading and transporting carload shipments of uncompressed cotton at origins in California and Arizona, when such cotton is consigned or reconsigned to points for compression; subject to the carload minimum weight which would have applied if the shipment had been loaded in the box car ordered.

(b) *Application.* The provisions of this section shall apply to shipments moving in intrastate commerce as well as to those moving in interstate commerce.

(c) *Effective date.* This section shall become effective at 12:01 a. m., October 1, 1951.

(d) *Expiration date.* This section shall expire at 11:59 p. m., March 31, 1952, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

(e) *Rules and regulations suspended.* The operation of all rules and regulations insofar as they conflict with the provisions of this section is hereby suspended.

(f) *Announcement of suspension.* Each of such railroads, or its agent, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing the suspension of any of the provisions therein.

It is further ordered, That this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies secs. 1, 15, 24 Stat. 379, as amended, 384, as amended; 49 U. S. C. 1, 15)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-11915; Filed, Oct. 3, 1951; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 984]

HANDLING OF WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO BUDGET OF EXPENSES OF THE WALNUT CONTROL BOARD AND RATE OF ASSESSMENT FOR MARKETING YEAR BEGINNING AUGUST 1, 1951

Notice is hereby given that the Department is considering the issuance of the proposed administrative rule herein set forth pursuant to the provisions of Marketing Agreement No. 105 and Order No. 84 regulating the handling of walnuts grown in California, Oregon, and Washington (7 CFR Part 984), effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Prior to the final issuance of such administrative rule, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., and which are received not later than the close of business on the tenth day after publication of this notice in the FEDERAL REGISTER, except that if said tenth day after publication should fall on a Saturday, Sunday, or holiday, such submission may be received by the Director not later than the close of business on the next following work day.

The proposed budget of $82,800 and rate of assessment of 0.12 cent per pound of walnuts handled or certified for handling were unanimously recommended by the Walnut Control Board, the administrative agency under said agreement and order, at a duly called meeting in Los Angeles on August 24, 1951, and appear to be reasonable.

The proposed budget is approximately five percent greater than expenditures

under said agreement and order for the preceding marketing year due chiefly to increases in office and field salaries, travel expense, and contingency reserve, which more than offset anticipated savings in administrative salaries to be paid by the Board. It will, of course, be necessary that all such increases be in conformity with the provisions of the Defense Production Act of 1950, as amended, Executive Order No. 10161, and any supplementary order, directive or regulation pursuant thereto.

The rate of assessment of 0.10 cent per pound of merchantable walnuts handled or certified for handling provided for in the agreement and order would not result in sufficient funds collected from handlers to cover the proposed budget. The recommended rate of assessment of 0.12 cent per pound applied to the quantity of merchantable walnuts which it is expected will be handled or certified for handling under said program during the marketing year beginning August 1, 1951, will provide sufficient funds to cover the proposed budget of expenses. Any assessment funds collected in excess of expenditures, under provisions of the program, will be refunded on a pro rata basis to handlers from whom assessments are collected.

Therefore, the proposed administrative rule is as follows:

§ 984.303 *Budget of expenses of the Walnut Control Board and rate of assessment for the marketing year beginning August 1, 1951*—(a) *Budget of expenses.* Expenses in the amount of $82,800 are reasonable and likely to be incurred by the Walnut Control Board for its maintenance and functioning, and for such purposes as the Secretary may, pursuant to the provisions of the marketing agreement and order, determine to be appropriate for the marketing year beginning August 1, 1951.

(b) *Rate of assessment.* Each handler shall pay to the Control Board on demand by the Control Board, from time to time, 0.12 cent for each pound of merchantable walnuts handled or certified for handling by him during the marketing year beginning August 1, 1951.

Done at Washington, D. C., this 1st day of October 1951.

[SEAL] M. W. BAKER,
Acting Director,
Fruit and Vegetable Branch.

[F. R. Doc. 51-11981; Filed, Oct. 3, 1951; 8:59 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 4b]

EMERGENCY EVACUATION PROVISIONS

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board an amendment of Part 4b of the Civil Air Regulations in substance as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. All communications received by October 26, 1951, will be considered by the Board before taking further action on the proposed rules. Copies of such communications will be available after October 30, 1951, for examination by interested persons at the Docket Section of the Board, Room 5412, Commerce Building, Washington, D. C.

Experience indicates that the currently effective requirements for emergency exits are not sufficiently realistic, especially with respect to larger airplanes. Consideration of the rapid increase in recent years in the size of transport aircraft, the number of passengers carried, and the increased seriousness of fire in the event of crash landings because of the greater volume of fuel carried, all point to the need for a re-examination of the emergency evacuation problem.

The proposed amendments are based on the results of extensive studies of crash accidents made by the CAA Medical Division and by the CAB Bureau of Safety Investigation and upon an extensive airplane evacuation test program conducted by the CAA–CAB Working Group in cooperation with the Air Transport Association and the Military Air Transport Service who furnished the airplanes, personnel, and equipment for many of the tests.

These studies supplemented by operational experience have led to the introduction of several basic concepts new to regulations with regard to evacuation. The first of these is that there is a limit on the time available for the successful evacuation of the occupants from an airplane in the event of a fire following a landing. Secondly, because of the possibility of the emergency exits on one side of the airplane being unusable in the event of fire, the size, number, and location of exits should allow the evacuation of the airplane from either side, using the exits only on one side, in the time available for evacuation. Thirdly, because experience has shown that the aft portion of the fuselage is less vulnerable to structural damage than the portion forward of the wing in crash landings and because the aft portion of the fuselage is further removed from the source of fire, the principal emergency exits should be located in the aft portion of the fuselage. Finally, studies of the manner in which passengers have left airplanes in crash accidents and tests of the time required for evacuation from various sizes and types of emergency exits have led to the conclusion that the currently prescribed window exits are almost never used, that the time required for evacuation through such exits is too great, and that the principal exits must be at floor level and of such size as to allow the occupants to step or jump out of the airplane in a partially upright position, rather than to require that they climb out through a small opening and drop.

A preliminary version of the proposed amendments was discussed in general terms at the Board's Annual Airworthiness Meeting in August and in detail at a meeting of the CAA-CAB Working Group on September 5 and 6, 1951. The proposed amendments reflect the basic ideas discussed at these meetings and have been changed only in regard to detail.

The large category, 20 to 69 passengers, of the earlier proposal has been broken down into two categories, and a smaller-type exit has been introduced with the object of reducing the weight penalty the proposed regulation might have imposed on the small feeder-type airplane. A new proposal, which has not been discussed thus far in any of the meetings, is the prescribing of step-up and step-down limitations for the over-the-wing emergency exits.

The usual procedure with regard to amendments resulting from the Board's Annual Airworthiness Review is to process all of the amendments stemming therefrom at the same time. However, the Board considers that the subject of emergency evacuation is of sufficient importance to safety to justify early treatment separate from all the other issues which are being processed in another draft release.

It is therefore proposed to amend Part 4b of the Civil Air Regulations as follows:

1. By adding a new § 4b.356 (e) to read as follows:

§ 4b.356 *Doors.* * * *

(e) Means shall be provided for a direct visual inspection by crew members to ascertain whether all external doors, including passenger, crew, service, and cargo doors, are in the fully locked position (see also § 4b.362 (e) (5) for emergency exits.) In addition, visual means shall be provided to signal to appropriate crew members that all normally used external doors are closed and in the fully locked position.

2. By amending § 4b.362 to read as follows:

§ 4b.362 *Emergency evacuation.* Crew and passenger areas shall be provided with emergency evacuation means to permit rapid egress in event of crash landings both with the landing gear extended and retracted, taking reasonable account of the possibility of the airplane being on fire. The provisions of this section shall apply to airplanes where the major portion of the passenger area is aft of the powerplant and the fuel tanks. In airplanes where the major portion of the passenger area is forward of the powerplant and the fuel tanks, or in airplanes of unconventional design where the emergency exit locations prescribed in paragraph (b) of this section would be inconsistent with safe and rapid egress of passengers, variations of emergency exit locations shall be allowed if found appropriate by the Administrator. Passenger entrance, crew, and service doors shall be considered as emergency exits if they meet the applicable requirements of this section.

(a) *Crew emergency exits.* Crew emergency exits shall be located in the crew area on both sides of the airplane or as a top hatch to provide for rapid evacuation.

(b) *Passenger emergency exits; type and location.* The types of exits and their location shall be as follows:

(1) Type I: A rectangular opening of not less than 24 inches wide by 48 inches high, with corner radii not greater than 4 inches, located as far aft in the passenger area as practicable in the side of the fuselage at floor level.

(2) Type II: Same as Type I (subparagraph (1) of this paragraph) except that the opening is not less than 20 inches wide by 44 inches high.

(3) Type III: A rectangular opening of not less than 20 inches wide by 36 inches high, with corner radii not greater than 4 inches, located as far aft in the passenger area as practicable in the side of the fuselage.

(4) Type IV: A rectangular opening of not less than 19 inches wide by 26 inches high, with corner radii not greater than 4 inches, located over the wing in the side of the fuselage with a step-up inside the airplane of not more than 29 inches and a step-down outside the airplane of not more than 36 inches.

(c) *Passenger emergency exits; number required.* Emergency exits of type and location prescribed in paragraph (b) of this section shall be accessible to the passengers and shall be provided on each side of the fuselage in accordance with the following:

Passenger seating capacity	Emergency exists required on each side of fuselage			
	Type I	Type II	Type III	Type IV
1 to 19 inclusive	----------	----------	1	----------
20 to 39 inclusive	----------	1	----------	1
40 to 69 inclusive	1	----------	----------	1
70 to 99 inclusive	1	----------	----------	2
100 to 149 inclusive	2	----------	----------	2

For airplanes with a passenger capacity of over 149 there shall be, in addition to the emergency exits prescribed for a passenger seating capacity of 100 to 149, inclusive, on each side of the fuselage, one Type I emergency exit for additional passengers up to 50, these exits to be located at such strategic points as would contribute most to the safe evacuation of passengers.

NOTE: Although similar exits and their locations are prescribed for each side of the fuselage, it is not the intent of this regulation to require that the exits necessarily be at locations diametrically opposite each other.

(d) *Ditching emergency exits.* Airplanes certificated in accordance with the ditching provisions of § 4b.261 shall be shown to have, on each side of the fuselage, not less than one emergency exit located above the water line for every 30 passengers.

(e) *Emergency exit arrangement.* (1) Emergency exits shall consist of movable doors or hatches in the external walls of the fuselage and shall provide an unobstructed opening to the outside.

(2) All emergency exits shall be openable from the inside and from the outside.

(3) The means of opening emergency exits shall be simple and obvious and shall not require exceptional effort of a person opening them.

(4) Means shall be provided for locking each emergency exit and for safeguarding against opening in flight either inadvertently by persons or as a result of mechanical failure.

(5) Means shall be provided for a direct visual inspection by crew members to ascertain whether all emergency exits are in the fully locked position.

(6) Provision shall be made to minimize the possibility of jamming of emergency exits as a result of fuselage deformation in a minor crash landing.

(7) On all landplane emergency exits other than Type IV (see paragraph (b) of this section) which are more than 6 feet from the ground with the airplane on the ground and the landing gear extended, means shall be provided to assist the occupants in descending to the ground.

(8) The proper functioning of emergency exit installations shall be demonstrated by test.

(f) *Emergency exit marking.* (1) All emergency exits, their means of access, and their means of opening shall be marked conspicuously. The identity and location of emergency exits shall be recognizable from a distance equal to the width of the cabin. The location of the emergency exit operating handle and the instructions for opening shall be marked on or adjacent to the emergency exit and shall be readable from a distance of 30 inches.

(2) A source or sources of light shall be installed, with an energy supply independent of the main lighting system, which will function automatically to illuminate all emergency exit markings in a crash landing and which can also be operated manually.

(3) All emergency exits and their means of opening shall be marked on the outside of the airplane for guidance of rescue personnel.

(g) *Emergency exit access.* Passageways between individual compartments of the passenger area and passageways leading to emergency exits shall be unobstructed and shall not be less than 20 inches wide. The width of the main aisle at any point between seats shall not be less than 14 inches.

This amendment is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposal may be changed in the light of comment received in response to this notice of proposed rule making.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601 (a), 52 Stat. 1007; 49 U. S. C. 551)

Dated September 28, 1951, at Washington, D. C.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN, *Director.*

[F. R. Doc. 51-11918; Filed, Oct. 3, 1951; 8:50 a. m.]

[14 CFR Part 43]

GENERAL OPERATION RULES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Administrator contemplates amending § 43.22-1 published on July 16, 1949 in 14 F. R. 4273 to read in the manner indicated hereinafter. All interested persons who desire to submit written data, views, or arguments for consideration by the Administrator of Civil Aeronautics in connection with the proposed amendment shall send them to the Civil Aeronautics Administration, Office of Aviation Safety, Washington 25, D. C. within 30 days after publication of this notice in the FEDERAL REGISTER.

§ 43.22-1 *Annual inspections (CAA rules which apply to § 43.22 (a).* The purpose of these rules is to prescribe the scope of the annual inspection required by this section and to set forth the procedure to be followed by an aircraft owner when making application for an annual inspection.

(a) *Inspection requirement prior to presenting application.* Immediately prior to submitting an application for annual inspection, the aircraft shall be inspected and found airworthy by a certificated aircraft and engine mechanic(s). The mechanic(s) shall conduct and record the airworthiness inspection in accordance with the instructions on the reverse of Form ACA-319 (11-49) entitled, "Periodic Aircraft Inspection Report". All items found unairworthy, as a result of the inspection, shall be corrected prior to presenting the aircraft to the CAA representative for annual inspection.

(b) *Application procedure.* After the aircraft has been found airworthy in accordance with paragraph (a) of this section, the aircraft owner (or his agent) shall make application for annual inspection by completing Form ACA-305 entitled, "Application for Airworthiness Certificate and/or Annual Inspection of Aircraft", and present it and the aircraft to a CAA representative for consideration. The aircraft shall be presented in condition for inspection, i. e., all inspection plates, access doors, fairing and cowling shall be open or removed and the aircraft and engine thoroughly cleaned to properly reflect the actual condition of all the parts and components being inspected.

The following official documents shall be available in the aircraft at the time it is presented for inspection:

(1) Current registration certificate as required by § 43.10 (a).

(2) If the aircraft is flown to the point where the annual inspection is to be conducted, the aircraft shall display a current Certificate of Airworthiness, Form ACA-1362, issued in accordance with § 1.67, or carry a special flight authorization (Form ACA-1779 entitled, "Application and Authorization for Ferry Permit") issued in accordance with § 43.10 (a).

(3) The aircraft and engine records required by § 43.23.

(4) The aircraft Operation Limitations, Form ACA-309, or a current Airplane Flight Manual as required by § 43.10 (b).

(5) The Inspection Report, Form ACA-319, required by paragraph (a) of this section.

(c) *Renewal of airworthiness certificate.* Section 1.64 (a) (3) provides for renewing an airworthiness certificate upon

satisfactory completion of the annual inspection described in paragraphs (a) and (b) of this section. The CAA will issue a new Certificate of Airworthiness, Form ACA–1362, each time the aircraft passes the annual inspection requirements. The CAA representative conducting the annual inspection will, upon completion of the inspection, issue the new Certificate of Airworthiness to expire one year from the date the annual inspection was completed. This procedure will be applied without reference to whether the former Certificate of Airworthiness has expired or is still current.

(d) *Application and inspection forms.* The inspection and application forms mentioned above are available at all CAA regional and Aviation Safety district offices and from all Designated Aircraft Maintenance Inspectors.

§ 43.22–2 *Periodic inspection (CAA rules which apply to § 43.22 (b)).* The purpose of these rules is to prescribe the scope of the periodic inspection and to identify the form and method of recording the findings of this inspection.

(a) *Periodic aircraft inspection report, Form ACA–319 (11–49).* The inspection required by § 43.22 (b) shall be recorded on a Form ACA–319 (11–49) in accordance with the instructions on the reverse side of the form by the mechanic(s) making the airworthiness determination. The completed form shall be given to the aircraft owner as evidence of compliance with the requirements of this section. The aircraft owner shall make available to the mechanic(s) the aircraft and engine records in order that the mechanic(s) may record the inspection as required by this part and Part 18 of this chapter. The scope of the entry to be made by the mechanic(s) is indicated in the instructions on the reverse of the Periodic Aircraft Inspection Form, ACA–319 (11–49).

(b) *Annual inspection acceptable in lieu of periodic inspection.* When an aircraft has satisfactorily passed the annual inspection required by § 43.22 (a), it is also considered to have passed the periodic inspection required by § 43.22 (b). In such cases, accumulation of flight time toward the next periodic inspection will start immediately after the inspection specified in § 43.22–1 (a).

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51–11889; Filed, Oct. 3, 1951; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 9]

[Docket No. 10022]

AERONAUTICAL SERVICES

FURTHER NOTICE OF PROPOSED RULE MAKING

1. Further notice of proposed rule making is hereby given in the above-designated docket.

2. On August 1, 1951 the Commission adopted a notice of proposed rule making in the above-entitled matter proposing to amend § 9.616 in order to enable the licensees of flight test stations to comply with this section by furnishing airdrome control operators either with a remote microphone connection—which at present is the only means of complying with this section—or with other adequate direct communication facilities for the transmission of orders to aircraft flight test stations.

3. The purpose of the requirement in § 9.616, whether in its present form or that contemplated by the above notice of proposed rule making, is to facilitate the task of controlling traffic in the vicinity of airports. It now appears that the CAA (which controls traffic at the majority of airports) considers the provisions of this section as no longer necessary and recommends that they be deleted from the Commission's rules and regulations Governing Aeronautical Services.

4. In view of the foregoing, in lieu of the original proposal to amend § 9.616 of the Commission's rules and regulations Governing Aeronautical Services, it is now proposed to delete this section.

5. The authority for this amendment is contained in sections 4 (i), 303 (b), (f) and (r) of the Communications Act of 1934, as amended.

6. Any interested persons may file with the Commission on or before October 31, 1951, a written statement or brief in support, opposition, or for modification of the proposed amendment. Within fifteen days from the last day for filing of the original comments or briefs, comments or briefs in reply thereto may be filed. The Commission will consider such comments before taking action in this matter. If any comments will appear to warrant the holding of an oral argument or hearing notice of the time and place therefor will be given.

7. In accordance with the provisions of § 1.764 of the Commission's rules, original and fourteen copies of all statements, briefs or comments shall be furnished to the Commission.

Adopted: September 26, 1951.

Released: September 26, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51–11927; Filed, Oct. 3, 1951; 8:51 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

United States Coast Guard

[CGFR 51–44]

APPROVAL OF EQUIPMENT AND CHANGE IN NAME OF MANUFACTURER

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), and in compliance with the authorities cited below, the following approvals of equipment are prescribed and shall be effective for a period of five years from date of publication in the FEDERAL REGISTER unless sooner canceled or suspended by proper authority, except Approval No. 160.008/442/0, which is further limited to the duration of the National Emergency and for six months thereafter, and the following change in name of a manufacturer of approved equipment shall be made:

BUOYANT CUSHIONS, KAPOK, STANDARD

NOTE: Cushions are approved for use on motorboats of classes A, 1, or 2, not carrying passengers for hire.

Approval No. 160.007/105/0, Standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, manufactured by The American Pad and Textile Co., Greenfield, Ohio, for Spiegel, Inc., 1061 West Thirty-fifth Street, Chicago, Ill.

Approval No. 160.007/106/0, Standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, manufactured by Melman, Inc., Miami, Fla., for Phillips Hardware Co., 490 Northwest South River Drive, Miami 36, Fla.

(R. S. 4405, 4491, 54 Stat. 164, 166, as amended; 46 U. S. C. 375, 489, 526e, 526p; 46 CFR 25.4–1, 160.007)

BUOYANT CUSHIONS, NON-STANDARD

NOTE: Cushions are approved for use on motorboats of classes A, 1, or 2, not carrying passengers for hire.

Approval No. 160.008/442/0, 15" x 15" x 2" rectangular buoyant cushion, 32 oz. Typha (processed cattail floss), dwg. No. 105B2, dated July 24, 1951, manufactured by H. S. White Manufacturing Co., Inc., Sixth and Rosabel Streets, St. Paul 1, Minn. (This approval is for the duration of the national emergency and for six months thereafter or for 5 years, whichever shall end first.)

(R. S. 4405, 4491, 54 Stat. 164, 166, as amended; 46 U. S. C. 375, 489, 526e, 526p; 46 CFR 46 CFR 25.4–1, 160.008)

BUOYANT APPARATUS

Approval No. 160.010/14/1, 10.0' x 5.0' (11" dia. body section), elliptical, hollow aluminum buoyant apparatus, 24-person capacity, dwg. No. 3177–1, dated June 13, 1951, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Supersedes Approval

No. 160.010/14/0 published in the FEDERAL REGISTER dated Feb. 12, 1948.)

(R. S. 4405, 4417a, 4426, 4488, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 404, 489, 1333, 50 U. S. C. 1275; 46 CFR 59.54a, 60.47a, 76.51a, 160.010)

WINCHES, LIFEBOAT

Approval No. 160.015/50/0, Type HM lifeboat winch for use with mechanical davits, fitted with wire rope not more than ½-inch in diameter and with not more than 7 wraps of the falls on the drums. Approval is limited to mechanical components and for a maximum working load of 6,600 pounds pull at the drums (3,300 pounds per fall); identified by left hand assembly dwg. No. L–22000–E3 dated April 8, 1949, and revised June 19, 1951, manufactured by the Marine Safety Equipment Corp., Point Pleasant, N. J.

(R. S. 4405, 4417a, 4426, 4488, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 404, 481, 489, 1333, 50 U. S. C. 1275; 46 CFR 33.10–5, 59.3a, 60.21, 76.15a, 94.14a, 160.015)

LIFE RAFTS

Approval No. 160.018/13/0, Type B life raft, for other than ocean and coastwise service, 9.67′ x 7.75′ x 2.67′, 18-person capacity, identified by general arrangement dwg. No. M–99–10, dated April 4, 1951, and revised August 22, 1951, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J.

(R. S. 4405, 4417a, 4426, 4481, 4488, 4491, sec. 11, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 246, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 396, 404, 474, 475, 481, 489, 1333, 50 U. S. C. 1275; 46 CFR 160.018)

CONTAINERS, EMERGENCY PROVISIONS AND WATER

Approval No. 160.026/21/0, Container for emergency provisions, dwg. No. 101, dated June 11, 1951, manufactured by H. & M. Packing Co., 2726 San Fernando Road, Los Angeles 65, Calif.

(R. S. 4405, 4417a, 4426, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 404, 489, 1333, 50 U. S. C. 1275; 46 CFR 33.15–1, 59.11)

HAND PROPELLING GEAR, LIFEBOAT

Approval No. 160.034/10/1, Type X, hand propelling gear identified by hand propelled gear unit dwg. No. 99–2, dated July 7, 1949, revised July 26, 1951, submitted by Marine Safety Equipment Corp., Point Pleasant, N. J. (Supersedes Approval No. 160.034/10/0 published in the FEDERAL REGISTER dated June 13, 1950.)

(R. S. 4405, 4417a, 4426, 4488, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 404, 481, 489, 1333, 50 U. S. C. 1275; 46 CFR 33.15–1, 33.15–5, 59.11, 160.034)

LIFEBOATS

Approval No. 160.035/11/1, 16.0′ x 5.7′ x 2.3′ steel, oar-propelled lifeboat, 12-person capacity, identified by general arrangement dwg. No. G–362–F, dated June 12, 1951, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York, N. Y. (Supersedes Approval No. 160.035/11/0 published in the FEDERAL REGISTER dated July 31, 1947.)

Approval No. 160.035/16/1, 22.0′ x 6.8′ x 2.8′ steel, oar-propelled lifeboat, 25-person capacity, identified by general arrangement dwg. No. G–2225, dated June 27, 1951, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York, N. Y. (Supersedes Approval No. 160.035/16/0 published in the FEDERAL REGISTER dated July 31, 1947.)

Approval No. 160.035/20/1, 24.0′ x 8.0′ x 3.5′ steel, oar-propelled lifeboat, 40-person capacity, identified by general arrangement dwg. No. G–126–M–R, dated March 9, 1951, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York, N. Y. (Supersedes Approval No. 160.035/20/0 published in the FEDERAL REGISTER dated July 31, 1947.)

Approval No. 160.035/87/1, 14.0′ x 5.0′ x 2.17′ steel, oar-propelled lifeboat, 9-person capacity, identified by general arrangement and construction dwg. No. 49R–1412, dated August 20, 1950, revised October 30, 1950, manufactured by Lane Lifeboat & Davit Corp., 8920 Twenty-sixth Avenue, Brooklyn 14, N. Y. (Supersedes Approval No. 160.035/87/0 published in the FEDERAL REGISTER dated July 31, 1947.)

Approval No. 160.035/208/2, 12.0′ x 4.42′ x 1.92′ steel, oar-propelled lifeboat, 6-person capacity, identified by construction and arrangement dwg. No. 12–1, dated November 5, 1947, revised August 2, 1951, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J. (Supersedes Approval No. 160.035/208/1 published in the FEDERAL REGISTER dated Feb. 17, 1951.)

(R. S. 4405, 4417a, 4426, 4481, 4488, 4491, 4492, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 396, 404, 474, 481, 489, 490, 1333, 50 U. S. C. 1275; 46 CFR 33.01–5, 59.13, 76.16, 94.15, 113.10, 160.035)

BOILERS, HEATING

Approval No. 162.003/117/0, Model M–800 heating boiler for steam or hot water service, all welded plate construction, dwg. No. DAB–25033, dated July 19, 1951, approved for a maximum design pressure of 30 p. s. i., 268,800 B. t. u. per hour or 269 pounds per hour. Approval limited to bare boiler. Manufactured by York-Shipley, Inc., York, Pa.

Approval No. 162.003/118/0, Model M–1200 heating boiler for steam or hot water service, all welded plate construction, dwg. No. DAB–25034, dated July 17, 1951, approved for a maximum design pressure of 30 p. s. i., 420,000 B. t. u. per hour or 420 pounds per hour. Approval limited to bare boiler. Manufactured by York-Shipley, Inc., York, Pa.

Approval No. 162.003/119/0, Model M–1500 heating boiler for steam or hot water service, all welded plate construction, dwg. No. DAB–25035, dated July 19, 1951, approved for a maximum design pressure of 30 p. s. i., 504,000 B. t. u. per hour or 504 pounds per hour. Approval limited to bare boiler. Manufactured by York-Shipley, Inc., York, Pa.

(R. S. 4405, 4417a, 4418, 4426, 4433, 4434, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 392, 404, 411, 412, 489, 1333, 50 U. S. C. 1275; 46 CFR Part 52)

VALVES, RELIEF (FOR HOT-WATER HEATING BOILERS)

Approval No. 162.013/10/0, Type No. 233 CG multiple relief valve for hot water heating boiler, two (2) ¾″ No. 33 relief valves mounted on "Y" base, maximum set pressure 30 p. s. i., combined relieving capacity 485,800 B. t. u. per hour, dwg. No. 233–CG assembly dated August 6, 1951, inlet size 1¼″ nominal pipe diameter, manufactured by McDonnell & Miller, Inc., 3500 North Spaulding Avenue, Chicago 18, Ill.

Approval No. 162.013/11/0, Type No. 333 CG multiple relief valve for hot water heating boiler, three (3) ¾″ No. 33 relief valves mounted on "Y" base, maximum set pressure 30 p. s. i., combined relieving capacity 728,700 B. t. u. per hour, dwg. No. 333 CG assembly dated August 6, 1951, inlet size 1½″ nominal pipe diameter, manufactured by McDonnell & Miller, Inc., 3500 North Spaulding Avenue, Chicago 18, Ill.

(R. S. 4405, 4417a, 4418, 4426, 4433, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 392, 404, 411, 489, 1333, 50 U. S. C. 1275; 46 CFR 53.03–60)

VALVES, PRESSURE VACUUM RELIEF

Approval No. 162.017/23/2, Shand & Jurs Fig. ST–4000 pressure-vacuum relief valve, enclosed pattern, weight-loaded pressure and vacuum poppets, all bronze construction, dwg. No. ST–7500 dated February 16, 1951; approved for size 6″; manufactured by Shand and Jurs Co., Carlton and Eighth Streets, Berkeley, Calif. (Supersedes Approval No. 162.017/23/1 published in the FEDERAL REGISTER dated Oct. 2, 1948.)

(R. S. 4405, 4417a, 4491, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 375, 391a, 489, 50 U. S. C. 1275; 46 CFR 162.017)

GAS CONSUMING APPLIANCES, LIQUEFIED PETROLEUM

Approval No. 162.020/35/0, Bastian-Morley hot water heater, Crane-Line Champion, size 30, approved by the American Gas Association, Inc., under Certificate Number 3–537–1.101, for liquefied petroleum gas service, manufactured by Bastian-Morley Co., Inc., La Porte, Ind.

Approval No. 162.020/36/0, Bastian-Morley hot water heater, Crane-Line Champion, size 40, approved by the American Gas Association, Inc., under Certificate Number 3–(537–9.1 & –1.1) .001, for liquefied petroleum gas service, manufactured by Bastian-Morley Co., Inc., La Porte, Ind.

(R. S. 4405, 4417a, 4426, 4491, 49 Stat. 1544, 54 Stat. 1028, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 404, 463a, 489, 1333, 50 U. S. C. 1275; 46 CFR 32.10–1, 61.25, 95.24, 114.25)

CHANGE IN NAME OF MANUFACTURER

The name of The Kilgore Manufacturing Co., International Flare-Signal Division, Westerville, Ohio, has been changed to Kilgore, Inc., International Flare-Signal Division, Westerville, Ohio, for Coast Guard Approval Nos. 160.021/3/0, 160.021/6/0, 160.024/2/0, 160.028/1/0, 160.037/2/0, and 160.040/1/0 previously published in the FEDERAL REGISTER for distress signals, signal pistols, and line-

throwing appliances for merchant vessels.

Dated: September 28, 1951.

[SEAL] A. C. RICHMOND,
Rear Admiral, U. S. Coast Guard,
Acting Commandant.

[F. R. Doc. 51-11937; Filed, Oct. 3, 1951; 8:52 a. m.]

[CGFR 51-45]

TERMINATION OF APPROVAL OF EQUIPMENT

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), and in compliance with the authorities cited below, the following approvals of equipment are terminated because the items of equipment covered are no longer being manufactured or offered for marine service:

VALVES, PRESSURE VACUUM RELIEF

Termination of Approval No. 162.017/21/0, Shand & Jurs Fig. ST-432M pressure vacuum relief valve, all clime breather valve, spring loaded, atmospheric pattern, brass body and stainless steel spring, vacuum valve spring and weight loaded, fitted with flame arrester and weather hood, dwg. No. ST-2846 dated November 25, 1939, approved for 3" diameter for use with inflammable and combustible liquids of Grade B or lower, manufactured by Shand & Jurs Co., Berkeley, Calif. (Approved in the FEDERAL REGISTER dated July 31, 1947.)

Termination of Approval No. 162.017/22/0, Shand & Jurs Fig. ST-1185 pressure vacuum relief valve, marine cargo breather, spring loaded, enclosed pattern with vacuum valve atmospheric inlet fitted with flame screen, pressure valve fitted with relieving lever, bronze body, stainless steel springs and bronze pallet valves, flanged ends, dwg. No. ST-1185 dated July 21, 1936, approved for 4" size for use with inflammable or combustible liquids of Grade A or lower in closed venting system, manufactured by Shand & Jurs Co., Berkeley, Calif. (Approved in the FEDERAL REGISTER dated July 31, 1947.)

Termination of Approval No. 162.017/24/0, Shand & Jurs Fig. ST-4160 pressure vacuum relief valve, triplex manifold, weight loaded, enclosed pattern, bronze manifold and valves, fitted with hand wheel lifting gear for pressure pallets, victaulic coupling connections, vacuum atmospheric inlet fitted with flame screen, dwg. No. ST-4160 revised September 9, 1943, approved for 4" size for use with inflammable or combustible liquids of Grade A or lower, manufactured by Shand & Jurs Co., Berkeley, Calif. (Approved in the FEDERAL REGISTER dated July 31, 1947.)

Termination of Approval No. 162.017/25/0, Shand & Jurs Fig. 4165 pressure only relief valve, weight loaded pressure pallet, atmospheric pattern, fitted with double flame screen, bronze body and pallets, flanged connection, dwg. No. ST-4165 revised September 9, 1943, approved for 4" size for use with inflammable and combustible liquids of Grade A or lower in direct atmospheric vent riser, manufactured by Shand & Jurs Co., Berkeley, Calif. (Approved in the FEDERAL REGISTER dated July 31, 1947.)

(R. S. 4405, 4417a, 4491, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 375, 391a, 489, 50 U. S. C. 1275; 46 CFR 162.017)

VALVES, SAFETY RELIEF, LIQUEFIED COMPRESSED GAS

Termination of Approval No. 162.018/3/0, Type MS-6 American Car and Foundry pop type safety relief valve, liquefied petroleum gas service, steel body, resilient composition gasketed type, flanged connection, dwg. No. 31-11-867b, dated June 12, 1946, approved for 1.3136 sq. in. valve seat opening, maximum allowable working pressure 250 p. s. i., manufactured by American Car & Foundry Co., 30 Church Street, New York, N. Y. (Approved in the FEDERAL REGISTER dated July 31, 1947.)

Termination of Approval No. 162.018/4/0, Type MS-7 American Car and Foundry pop type safety relief valve, liquefied petroleum gas service, steel body, resilient composition gasketed type, flanged connection, dwg. No. 31-11-868B, dated June 12, 1946, approved for 1.5764 sq. in. valve seat opening, maximum allowable working pressure 250 p. s. i., manufactured by American Car & Foundry Co., 30 Church Street, New York, N. Y. (Approved in the FEDERAL REGISTER dated July 31, 1947.)

(R. S. 4405, 4417a, 4491, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 375, 391a, 489, 50 U. S. C. 1275; 46 CFR Part 38)

CONDITIONS OF TERMINATION OF APPROVALS

The termination of approvals of equipment made by this document shall be made effective upon the thirty-first day after the date of publication of this document in the FEDERAL REGISTER. Notwithstanding this termination of approval on any item of equipment, such equipment manufactured before the effective date of termination of approval may be used on merchant vessels so long as it is in good and serviceable condition.

Dated: September 28, 1951.

[SEAL] A. C. RICHMOND,
Rear Admiral, U. S. Coast Guard,
Acting Commandant.

[F. R. Doc. 51-11938; Filed, Oct. 3, 1951; 8:53 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

HAWAIIAN SUGARCANE AND WEST COAST SUGAR BEET; WAGES AND PRICES

NOTICE OF HEARINGS AND DESIGNATION OF PRESIDING OFFICERS

Pursuant to the authority contained in subsections (c) (1) and (c) (2) of section 301 of the Sugar Act of 1948 (61 Stat. 929; 7 U. S. C. Sup. 1131), notice is hereby given that public hearings will be held as follows:

At Honolulu, on the Island of Oahu, in the Chamber of Commerce Meeting Room, Dillingham Building, on October 18, 1951, at 9:00 a. m.;

At Hilo, on the Island of Hawaii, in the Masonic Hall, on October 22, 1951, at 9:00 a. m.; and

At Berkeley, California, in the Farm Credit Building, on October 25, 1951, at 9:30 a. m.

The purpose of such hearings is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining (1), pursuant to the provisions of section 301 (c) (1) of said act, fair and reasonable wage rates for persons employed in the production, cultivation or harvesting of sugarcane in Hawaii and of sugar beets in California, southwestern Arizona, and southern Oregon during the calendar or crop year 1952 on farms with respect to which applications for payments under the said act are made and (2), pursuant to the provisions of section 301 (c) (2) of said act, fair and reasonable prices for the 1952 crop of Hawaiian sugarcane and the 1952 crop of sugar beets in California, southwestern Arizona, and southern Oregon to be paid, under either purchase or toll agreements by processors who, as producers, apply for payments under the said act.

Such hearings, after being called to order at the time and places mentioned herein, may be continued from day to day within the discretion of the presiding officers, and may be adjourned to a later day or to a different place without notice other than the announcement thereof at the hearing by the presiding officers.

In the interest of obtaining the best possible information, all interested persons are requested to appear at the hearings to express their views and present appropriate data in regard to the foregoing matters.

Ward S. Stevenson, Phillip E. Jones, and Will N. King are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearings.

Issued this 1st day of October 1951.

[SEAL] G. F. GEISSLER,
Administrator.

[F. R. Doc. 51-11983; Filed, Oct. 3, 1951; 8:59 a. m.]

DEPARTMENT OF COMMERCE

National Bureau of Standards

[Amdt. 1]

ESTABLISHMENT, PURPOSE, FUNCTION, ORGANIZATION AND PROCEDURES

CHANGES IN ORGANIZATION

In accordance with the public information requirements of the Administrative Procedure Act, the description of Establishment, Purpose, Function, Organization and Procedures of the National Bureau of Standards is hereby amended. The purpose of this amendment is to announce changes in organization.

1. Section III, 1, b (c) is deleted and the following substituted therefor:

(c) An assistant Director for Administration who serves as staff assistant to the Director on program management matters and supervises the planning and

administrative management functions necessary for adequate support of the technical programs of the National Bureau of Standards including the Planning Staff, and the Fiscal, Supply, Personnel, Plant, Shops, and Administrative Services Divisions.

2. Section III, 2, b (3) is amended to delete "and (iv) combustion".

3. Section III, 3 is deleted and the following substituted therefor:

3. *Field Stations.* Field Stations and laboratories the names of which indicate the type of work being carried on at each location, are maintained as set forth in the following tabulation:

DOMESTIC

Blossom Point Proving Ground, La Plata, Md.
Boulder Laboratories, Boulder, Colo.
Corona Laboratories, Corona, Calif.
Field Test Station, China Lake, Calif.
Field Test Station, Oxnard, Calif.
Field Test Station, Las Cruces, N. Mex.
Field Test Station, Cocoa, Fla.
Institute for Numerical Analysis, Los Angeles, Calif.
Master Railway Track Scale Depot, Clearing, Ill.
Materials Testing Laboratory, Allentown, Pa.
Materials Testing Laboratory, Denver, Colo.
Materials Testing Laboratory, San Francisco, Calif.
Materials Testing Laboratory, Seattle, Wash.
Radio Propagation Laboratory, Sterling, Va.
Radio Propagation Field Station, Colorado Springs, Colo.
Radio Propagation Field Station, Las Cruces, N. Mex.
Radio Propagation Field Station, Fort Belvoir, Va.
Radio Transmitting Station, Beltsville, Md.

OVERSEAS

Radio Propagation Field Station, Anchorage, Alaska.
Radio Propagation Field Station, Point Barrow, Alaska.
Radio Propagation Field Station, Bluie West-1, Greenland.
Radio Propagation Field Station, Guam Island.
Radio Propagation Field Station, Territory of Hawaii.
Radio Propagation Field Station, Panama Canal Zone.
Radio Propagation Field Station, Puerto Rico.

(60 Stat. 238; 5 U. S. C. sec. 22 and 1002, Reorg. Plan No. 5 of 1950)

E. U. CONDON,
Director,
National Bureau of Standards.

Approved:

CHARLES SAWYER,
Secretary of Commerce.

[F. R. Doc. 51-11936; Filed, Oct. 3, 1951; 8:52 a. m.]

National Production Authority

[NPA Delegation 1, Supp. 2]

SECRETARY OF DEFENSE

DELEGATION OF AUTHORITY TO ASSIGN OR APPLY DX RATINGS

1. Pursuant to the Defense Production Act of 1950, as amended, Executive Orders 10161 and 10200, Defense Production Administration Delegation No. 1, and Department of Commerce Order No. 123, as amended, the Secretary of Defense is hereby delegated the authority (with power of redelegation) to apply, or to assign the right to apply, DX ratings to contracts and purchase orders to which the Secretary of Defense is authorized to apply, or to assign the right to apply, DO ratings pursuant to NPA Delegation 1, as amended.

2. The authority herein delegated shall be exercised within such limits, and in such manner, as is prescribed in NPA Delegation 1, as amended, with respect to the use of DO ratings, and shall also be exercised within such further limits as the National Production Authority may from time to time impose on the exercise of the authority delegated herein.

This supplement shall take effect on October 4, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-12069; Filed, Oct. 3, 1951; 11:14 a. m.]

[NPA Delegation 2, Supp. 1]

DIRECTOR, DIVISION OF CONSTRUCTION AND SUPPLY, ATOMIC ENERGY COMMISSION

DELEGATION OF AUTHORITY TO ASSIGN OR APPLY DX RATINGS

1. Pursuant to the Defense Production Act of 1950, as amended, Executive Orders 10161 and 10200, Defense Production Administration Delegation No. 1, and Department of Commerce Order No. 123, as amended, the Director, Division of Construction and Supply, Atomic Energy Commission, is hereby delegated the authority (with power of redelegation) to apply, or assign the right to apply, DX ratings to contracts and purchase orders to which the Atomic Energy Commission is authorized to apply, or to assign the right to apply DO ratings pursuant to NPA Delegation 2, as amended.

2. The authority herein delegated shall be exercised within such limits, and in such manner, as is prescribed in NPA Delegation 2, as amended, with respect to the use of DO ratings, and shall also be exercised within such further limits as the National Production Authority may from time to time impose on the exercise of the authority delegated herein.

This supplement shall take effect on October 4, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-12070; Filed, Oct. 3, 1951; 11:14 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 9552]

ALLOCATION OF FREQUENCIES AND PROMULGATION OF RULES AND REGULATIONS FOR A THEATER TELEVISION SERVICE

ORDER CONTINUING HEARING

At a session of the Federal Communications Commission, held at its offices in Washington, D. C. on the 26th day of September 1951;

The Commission having under consideration its order herein of August 1, 1951, released August 3, 1951, which schedules a hearing in the above-entitled proceeding before the Commission en banc commencing November 26, 1951;

It appearing, that the Commission will then be engaged in the television allocations proceedings (Dockets 8736, 8975, 9175 and 8976) and that it is necessary to continue the hearing in the above-entitled proceeding to a later date;

It is ordered, That the hearing herein, now scheduled for November 26, 1951, is continued to February 25, 1952; and

It is further ordered, That the order of August 1, 1951, herein providing that parties should file statements with the Commission on or before October 26, 1951, setting forth a list of their witnesses who will testify at the hearing together with the subjects with respect to which testimony will be adduced and evidence offered is amended to extend the time within which such statements may be filed to specify January 25, 1952, in lieu of October 26, 1951.

Released: September 28, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-11929; Filed, Oct. 3, 1951; 8:51 a. m.]

[Docket No. 9797]

COASTAL AND MARINE RELAY SERVICES, AND SHIP SERVICE

ADDENDUM TO NOTICE OF ORAL ARGUMENT

The notice of oral argument in the above entitled matter which set forth the order of presentation and time allotted each of the parties, which was adopted by the Commission on August 24, 1951, is hereby amended by adding to the part thereof which relates to the time allotted for argument on §§ 7.352, 7.354, 7.355, and 7.356, the following: National Federation of American Shipping—5 minutes.

Adopted: September 26, 1951.

Released: September 28, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-11928; Filed, Oct. 3, 1951; 8:51 a. m.]

[Docket Nos. 9833, 10035]

CUSTER COUNTY BROADCASTING CO. (KCNI) AND GRAND ISLAND BROADCASTING CO.

ORDER CONTINUING HEARING

In re applications of Custer County Broadcasting Company (KCNI), Broken Bow, Nebraska, Docket No. 9833, File No. BP-7679; Robert L. Lester, Wilbur J. Bachman, Jake Grasmick, Walter E. Siebert, Samuel N. Wolbach and Wick M. Heath, d/b as Grand Island Broadcasting Company, Grand Island, Nebraska, Docket No. 10035, File No. BP-8169; for construction permits.

The Commission having under consideration a petition, filed September 21, 1951, by Grand Island Broadcasting Company, requesting a continuance for approximately 30 days of the hearing in the above-entitled proceeding presently scheduled for October 1, 1951; and,

It appearing, that additional time will be required by petitioner's consulting engineers to prepare for hearing and, at the same time, to give consideration to the possibility of securing another site or to take other appropriate steps to reduce the signal intensity which would be placed by the proposed operation over the Commission's Monitoring Station at Grand Island, Nebraska; and,

It further appearing, that counsel for the other applicant, Custer County Broadcasting Company, licensee of Station KCNI, and counsel for the Commission have informally consented to a waiver of the requirements of § 1.745 of the Commission's rules and regulations and agreed to an immediate consideration and grant of such petition for continuance;

It is ordered, This 25th day of September 1951, that the petition be, and it is hereby granted; and the hearing on the above-entitled application be, and it is hereby, continued to October 31, 1951, at 10 o'clock a. m., in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-11935; Filed, Oct. 3, 1951; 8:52 a. m.]

[Docket No. 9889]

AMERICAN TELEPHONE AND TELEGRAPH CO. ET AL.

ORDER POSTPONING HEARING

In the matter of rates and charges for Interstate and Foreign Communication Services furnished by the American Telephone and Telegraph Company and the associated companies of the Bell System; Docket No. 9889.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C. on the 26th day of September 1951;

The Commission, having under consideration the proceedings herein and its order of June 28, 1951, postponing the dates for answer and hearing herein until September 28, 1951, and October 29, 1951, respectively, because of pending studies with respect to telephone separations procedures and related matters;

It appearing, that the above studies are still in progress, and that, the dates for answer and hearing herein should be further postponed for a limited time;

It is ordered, That, on the Commission's own motion, the dates for answer and hearing specified in the above order of June 28, 1951, are hereby postponed until November 26, 1951, and January 7, 1952, respectively.

Released: September 26, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-11930; Filed, Oct. 3, 1951; 8:51 a. m.]

[Docket Nos. 9918, 9919]

BIG STATE BROADCASTING CORP. (KTXC) AND STATION KFST

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In the matters of application of Big State Broadcasting Corporation (KTXC) Big Spring, Texas, for renewal of license; Docket No. 9918, File No. BR-2332; Revocation of construction permit of Station KFST, Fort Stockton, Texas; Docket No. 9919.

At a session of the Federal Communications Commision held at its offices in Washington, D. C., on the 28th day of September 1951;

The Commisison having under consideration (1) the above-entitled application of Big State Broadcasting Corporation (KTXC), Big Spring, Texas, for renewal of station license; and (2) the application of Fort Stockton Broadcasting Company, permittee of Station KFST, Fort Stockton, Texas, filed pursuant to section 312 (a) of the Communications Act of 1934, as amended, requesting a hearing in the above-entitled matter of revocation of the KFST construction permit;

It appearing, that, on March 14, 1951, both of the above-entitled matters were designated for hearing by separate Commission orders and in separate proceedings; and

It further appearing, that, on May 3, 1951, the Commission designated Commissioner Paul A. Walker to preside in the KFST, Fort Stockton, Texas, revocation proceeding; and

It further appearing, that, on September 6, 1951, at the request of the Fort Stockton Broadcasting Company (KFST), the two above-entitled proceedings were designated for hearing in a consolidated proceeding; and

It further appearing, that, by Commission order of September 26, 1951, the hearing in this consolidated proceeding was directed to be held in Big Spring, commencing at 10:00 a. m., on October 30, 1951;

It is ordered, That the said consolidated hearing shall be held before Commissioner Paul A. Walker, Presiding Commissioner.

Released: October 1, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-11926; Filed, Oct. 3, 1951; 8:51 a. m.]

[Docket Nos. 9964, 9965]

AZALEA BROADCASTING CO. AND WSMB, INC. (WSMB)

ORDER CONTINUING HEARING

In re applications of Charles W. Holt, Clarence M. Dossett, Dave A. Matison, Jr., and Bernard Reed Green, doing business as Azalea Broadcasting Company, Mobile, Alabama, Docket No. 9964, File No. BP-7830; WSMB, Incorporated (WSMB), New Orleans, Louisiana, Docket No. 9965, File No. BP-7971; for construction permits.

The Commission having under consideration the joint petition of Charles W. Holt, Clarence M. Dossett, Dave A. Matison, Jr., and Bernard Reed Green, doing business as Azalea Broadcasting Company, Mobile, Alabama, and WSMB, Incorporated (WSMB), New Orleans, Louisiana, for indefinite continuance of the hearing in the above-entitled matters now scheduled for October 2, 1951, in Washington, D. C.; and

It appearing, that on September 5, 1951, petitioners jointly filed with the Commission a petition for reconsideration and grant without hearing of their respective applications, which petition has not yet been acted upon by the Commission; that a grant of that petition would obviate the necessity for a hearing on the applications herein and, therefore, it would conduce to the dispatch of the Commission's business and to the ends of justice for the hearing on the petitioners' applications to be postponed until a reasonable time after the Commission has acted on their joint petition for reconsideration and grant without hearing; that there are no other parties to this proceeding, and Commission counsel has consented to a grant of the instant petition and has agreed to a waiver of § 1.745 of the Commission's rules so as to permit immediate consideration of this petition;

Therefore, it is ordered, This 26th day of September 1951, That the said joint petition of Azalea Broadcasting Company, Mobile, Alabama, and WSMB, Incorporated (WSMB), New Orleans, Louisiana, is granted; and the hearing in the above-entitled matters now scheduled for October 2, 1951, is continued until thirty days after the Commission has taken action upon the joint petition filed by the parties with the Commission on September 5, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-11933; Filed, Oct. 3, 1951; 8:52 a. m.]

[Docket Nos. 9978, 9979]

SOUTHLAND BROADCASTING CO. AND FREQUENCY BROADCASTING SYSTEM, INC.

ORDER SCHEDULING HEARING

In re application of Southland Broadcasting Company, New Orleans, Louisiana, for license to cover construction permit for Station KCIJ, Shreveport, Louisiana, File No. BL-4036, Docket No. 9978; and application of Southland Broadcasting Company and Frequency Broadcasting System, Inc., File No. BAP-149, Docket No. 9979; for assignment of construction permit of Station KCIJ, Shreveport, Louisiana.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 26th day of September 1951;

The Commission having under consideration the petition of Southland Broadcasting Company and Frequency Broadcasting System, Inc., for reconsideration of the Commission's action in designating for hearing the above applications for license of Station KCIJ, Shreveport, Louisiana, and for assignment of construction permit of Station KCIJ from Southland Broadcasting Company to Frequency Broadcasting System, Inc., and for a grant of these applications without hearing; and

It appearing, that, the Commission, on May 16, 1951, designated the above applications for hearing on issues to determine, among other things, whether certain specified contracts entered into between Southland Broadcasting Company and Frequency Broadcasting System, Inc., or acts of commission or omission with respect thereto, constituted a violation of section 319 (b) of the Communications Act; whether Southland Broadcasting Company, its officers, directors, stockholders or agents had concealed information from the Commission regarding the ownership, construction or control of Station KCIJ, Shreveport, Louisiana; whether the method of financing Southland Broadcasting Company materially deviated from representations made with respect thereto in the applications for construction permits (BP-6212 and BP-6211) for stations in New Orleans (WMRY) and Shreveport (KCIJ), Louisiana; and whether the contract between the parties for assignment of the construction permit of Station KCIJ violated the terms of § 3.109 of the Commission's rules and regulations; and

It further appearing, that, on the basis of the facts presented in the aforesaid petition, the Commission is still unable, at this time, to determine that grants of the above applications would be in the public interest, convenience and necessity in that the aforesaid petition presents no facts which were not before the Commission at the time it originally considered the aforesaid applications and designated same for hearing;

It is ordered, That the petition of Southland Broadcasting Company and Frequency Broadcasting System, Inc., is denied; and

It is further ordered, That the hearing in this proceeding be held in New Orleans, Louisiana, commencing at 10:00 a. m., on October 24, 1951.

Released: September 28, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-11931; Filed, Oct. 3, 1951; 8:51 a. m.]

[Docket No. 9997]

HILLSBORO BROADCASTING CO. (WEBK)

ORDER CONTINUING HEARING

In re application of E. P. Martin, Alpha Martin and Elmo B. Kitts, d/b as Hillsboro Broadcasting Company (WEBK), Tampa, Florida, for construction permit; Docket No. 9997, File No. BP-7892.

The Commission having under consideration the motion of the applicants herein, filed September 20, 1951, for a continuance of the hearing upon the above-entitled application which is presently scheduled for October 3, 1951;

It appearing, that the moving parties are undertaking additional studies of the effects of their proposal to operate Station WEBK during unlimited hours on the frequency of 1590 kilocycles, power output of 1 kilowatt during the day and 500 watts directionalized at night, with the view to revising the design of the station's night time directional array, and thereby afford increased protection to foreign stations;

It appearing further, that a period of approximately sixty days from the date the hearing is scheduled will be necessary to complete the engineering studies aforementioned, in view of the technical difficulties which the moving parties claim will be involved in such studies;

It appearing further, that counsel for the Commission, the only other party to the proceeding, does not interpose objection to the continuance sought by the moving parties;

It is ordered, This 25th day of September 1951; that the motion of the applicants herein, be, and it is hereby, granted; and that the hearing upon the above-entitled application is continued to December 4, 1951, in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-11932; Filed, Oct. 3, 1951; 8:52 a. m.]

[Docket Nos. 10029, 10030]

VACATIONLAND BROADCASTING CO. AND WEST FLORIDA BROADCASTING SERVICE

ORDER CONTINUING HEARING

In re applications of Robert L. F. Sikes and Wilbur R. Powell d/b as Vacationland Broadcasting Company, Ft. Walton, Florida, for construction permit, Docket No. 10029, File No. BP-8140; H. French Brown, James C. O'Neal and Tom C. Miniard, a partnership d/b as West Florida Broadcasting Service, Ft. Walton, Florida, for construction permit, Docket No. 10030, File No. BP-8167.

The Commission having under consideration a motion filed jointly by Robert L. F. Sikes and Wilbur R. Powell, d/b as Vacationland Broadcasting Company, and H. French Brown, James C. O'Neal and Tom C. Miniard, a partnership, d/b as West Florida Broadcasting Service, requesting that the hearing in the above-entitled proceeding, which is now scheduled to be held in Washington, D. C., on September 25, 1951, be continued for a period of thirty days; and

It appearing, that negotiations are now being conducted between representatives of both of the above applicants with the view to consolidating into a single applicant partnership, dismissing one of the competing applications and thereby avoiding a hearing; and

It further appearing, that Counsel for the Commission, the only other party to this proceeding, has consented to a waiver of § 1.745 of the Commission's rules relating to the timely filing of motions;

It is ordered, This 24th day of September 1951, that the said motion be, and it is hereby, granted in part; and that the hearing on the above-entitled applications is hereby, continued until further order.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-11934; Filed, Oct. 3, 1951; 8:52 a. m.]

[Docket No. 10064]

BOONE COUNTY BROADCASTING CO. (KUMO)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Boone County Broadcasting Company (KUMO), Columbia, Missouri, for additional time in which to complete construction authorized by BP-6397 for Station KUMO, Columbia, Missouri; Docket No. 10064, File No. BMP-5616.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 26th day of September 1951;

The Commission having under consideration the above-entitled application of the Boone County Broadcasting Company requesting that the completion date of June 15, 1951 be extended to October 15, 1951, on the construction authorized by the Commission, on June 8, 1949, permitting (BP-6397) the subject applicant to construct a new standard broacast station to be operated on the facilities 950 kilocycles, 1 kilowatt power unlimited time, with the use of a directional antenna both day and night at Columbia, Missouri;

It appearing, that the Commission on August 15, 1951, denied the subject ap-

plication but afforded the subject applicant an opportunity to request a hearing thereon within twenty days of the above action;

It further appearing, that the subject applicant, by its letter of August 30, 1951, made request for hearing within the twenty day period prescribed;

It is ordered, That the above denial of application is hereby set aside and, pursuant to sections 309 (a) and 319 (b) of the Communications Act of 1934, as amended, the above entitled application is designated for hearing commencing at 10:00 a. m., on November 16, 1951, at Washington, D. C. upon the following issues:

1. To determine whether Boone County Broadcasting Company has been diligent in proceeding with the construction as authorized by BP-6397 for Station KUMO at Columbia, Missouri.

2. To determine whether it would be in the public interest, convenience and necessity to grant the above-entitled application of Boone County Broadcasting Company for additional time in which to complete construction of Station KUMO, Columbia, Missouri, as authorized by the Commission on June 8, 1949 (File No. BP-6397).

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-11925; Filed, Oct. 3, 1951; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6371]

IDAHO POWER CO.

NOTICE OF ORDER AUTHORIZING RENEWAL AND REISSUANCE OF SHORT TERM NOTES

SEPTEMBER 28, 1951.

Notice is hereby given that, on September 28, 1951, the Federal Power Commission issued its order, entered September 27, 1951, supplementing order of August 21, 1951 (16 F. R. 9057) and authorizing renewal and reissuance of short term notes, in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-11894; Filed, Oct. 3, 1951; 8:46 a. m.]

[Docket No. G-1267]

NORTHEASTERN GAS TRANSMISSION CO.

NOTICE OF ORDER ALLOWING RATE SCHEDULES TO BECOME EFFECTIVE

SEPTEMBER 28, 1951.

Notice is hereby given that, on September 27, 1951, the Federal Power Commission issued its order, entered September 27, 1951, allowing rate schedules to take effect, in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-11895; Filed, Oct. 3, 1951; 8:46 a. m.]

[Docket No. G-1615]

BROOKLYN UNION GAS CO.

NOTICE OF FINDINGS AND ORDER

SEPTEMBER 28, 1951.

Notice is hereby given that, on September 28, 1951, the Federal Power Commission issued its order, entered September 27, 1951, issuing certificate of public convenience and necessity, in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-11896; Filed, Oct. 3, 1951; 8:47 a. m.]

[Docket No. G-1738]

CHICAGO DISTRICT PIPELINE CO.

NOTICE OF FINDINGS AND ORDER

SEPTEMBER 28, 1951.

Notice is hereby given that, on September 26, 1951, the Federal Power Commission issued its order, entered September 25, 1951, authorizing and approving abandonment of facilities, in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-11897; Filed, Oct. 3, 1951; 8:47 a. m.]

[Docket No. G-1744]

TRANSCONTINENTAL GAS PIPE LINE CORP.

NOTICE OF FINDINGS AND ORDER

SEPTEMBER 28, 1951.

Notice is hereby given that, on September 26, 1951, the Federal Power Commission issued its order, entered September 25, 1951, issuing a certificate of public convenience and necessity, in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-11898; Filed, Oct. 3, 1951; 8:47 a. m.]

[Docket No. G-1796]

MONARCH GAS CO.

NOTICE OF APPLICATION

SEPTEMBER 28, 1951.

Take notice that Monarch Gas Company (Applicant), an Illinois corporation, having its principal place of business at 502 North Main Street, St. Elmo, Illinois, filed on September 19, 1951, an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act authorizing the construction and operation of certain natural-gas facilities, to wit: a 6⅝-inch pipeline extending from a point of connection with facilities of Texas Illinois Natural Gas Pipe Line Company in Effingham County, Illinois, to a point of connection with Applicant's existing plant in St. Elmo, Illinois, a distance of approximately 2.4 miles; and a 3½-inch pipeline extending from the same point of connection with the facilities of Texas Illinois Natural Gas Pipe Line Company to the city of Altamont, Illinois, a distance of approximately 2.7 miles; together with such laterals, service connections, and regulators as may be necessary to serve customers in the area traversed by said pipelines, including the city of Altamont, all of the aforementioned facilities being more fully described in said Application.

By means of the proposed facilities, Applicant proposes to furnish retail natural-gas service to Brownstown, St Elmo, and Altamont, and the rural areas contiguous to said communities, all in the State of Illinois. Applicant states that it does not propose to serve any main-line industrial customers from said pipelines, nor to sell any natural gas at wholesale. Applicant does not propose to sell natural gas to, or interchange natural gas with, any other natural-gas company.

Applicant estimates the total capital cost of constructing the proposed natural gas facilities will be approximately $77,818.65. Applicant also expects to spend approximately $900 to convert the appliances of its customers for use of natural gas.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 17th day of October 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-11893; Filed, Oct. 3, 1951; 8:46 a. m.]

[Project No. 1980]

WISCONSIN MICHIGAN POWER CO.

NOTICE OF ORDER APPROVING CERTAIN REVISED EXHIBITS AS PART OF LICENSE

SEPTEMBER 28, 1951.

Notice is hereby given that, on September 27, 1951, the Federal Power Commission issued its order, entered September 25, 1951, approving revised Exhibits K, L and M as part of license in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-11899; Filed, Oct. 3, 1951; 8:47 a. m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

CENTRAL OFFICE ORGANIZATION AND FINAL DELEGATIONS OF AUTHORITY

ASSISTANT COMMISSIONER RESPONSIBLE FOR ACTIVITIES OF OPERATIONS DIVISION AND FIELD OFFICES

Section II d, Central Office Organization and Final Delegations of Authority

to Central Office Officials, is amended as follows:

d. The Operations Division is headed by an Assistant Commissioner for Operations who is responsible to the Commissioner for the activities of the Operations Division and of the Field Offices, the headquarters and jurisdictions of which are as follows:

Atlanta: Alabama, Florida, Georgia, Mississippi, South Carolina, Tennessee. Public Housing Administration, Glenn Building, 120 Marietta Street NW., Atlanta 3, Ga.

Boston: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont. Public Housing Administration, Oliver Building, 141 Milk Street, Boston 9, Mass.

Chicago: Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin. Public Housing Administration, 201 North Wells Street, Chicago 6, Ill.

Fort Worth: Arkansas, Colorado, Louisiana, New Mexico, Oklahoma, Texas. Public Housing Administration, 805 Texas and Pacific Passenger Building, Fort Worth 2, Tex.

New York: Delaware, Maryland, New Jersey, New York, Pennsylvania, District of Columbia. Public Housing Administration, Empire State Building, 350 Fifth Avenue, New York 1, N. Y.

Puerto Rico: Puerto Rico and the Virgin Islands. Public Housing Administration, P. O. Box 1546, San Juan, P. R.

Richmond: Kentucky, North Carolina, Virginia, West Virginia. Public Housing Administration, 900 North Lombardy Street, Richmond 20, Va.

San Francisco: Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, Washington, Wyoming, the Territory of Alaska, the Territory of Hawaii. Public Housing Administration, 1360 Mission Street, San Francisco 3, Calif.

Date approved: September 26, 1951.

[SEAL] JOHN TAYLOR EGAN, *Commissioner.*

[F. R. Doc. 51-11902; Filed, Oct. 3, 1951; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26436]

PHOSPHATE ROCK FROM NEW ORLEANS, LA. TO CERTAIN STATES

APPLICATION FOR RELIEF

OCTOBER 1, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to C. A. Spaninger's tariff ICC No. 1167, and W. P. Emerson, Jr.'s tariff ICC No. 378.

Commodities involved: Phosphate rock, ground slush and floats, and soft phosphate, carloads.

From: New Orleans, La.

To: Memphis and Nashville, Tenn., St. Louis, Mo., East St. Louis, Ill., Tampa, Fla., and Charlotte, N. C.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, ICC No. 1167, supp. 41. W. P. Emerson, Jr., Agent, ICC No. 378, supp. 150.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-11908; Filed, Oct. 3, 1951; 8:49 a. m.]

[4th Sec. Application 26437]

SULPHURIC ACID FROM LOUISIANA TO FLORENCE, ALA., AND FLORIDA POINTS

APPLICATION FOR RELIEF

OCTOBER 1, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff ICC No. 1200.

Commodities involved: Sulphuric acid, in tank-car loads.

From: Baton Rouge and North Baton Rouge, La.

To: Florence, Ala., and specified points in Florida.

Grounds for relief: Competition with rail carriers, circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, ICC No. 1200, supp. 27.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-11909; Filed, Oct. 3, 1951; 8:49 a. m.]

[4th Sec. Application 26438]

SULPHURIC ACID FROM MOBILE TO MONTGOMERY, ALA.

APPLICATION FOR RELIEF

OCTOBER 1, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for The Alabama Great Southern Railroad Company and others.

Commodities involved: Sulphuric acid, in tank-car loads.

From: Mobile, Ala.

To: Montgomery, Ala.

Grounds for relief: Circuitous routes, to meet intrastate rates.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, ICC No. 1200, supp. 27.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-11910; Filed, Oct. 3, 1951; 8:49 a. m.]

[4th Sec. Application 26439]

MOTOR-RAIL-MOTOR RATES BETWEEN CERTAIN POINTS IN MASSACHUSETTS, RHODE ISLAND, AND NEW YORK

APPLICATION FOR RELIEF

OCTOBER 1, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The New York, New Haven and Hartford Railroad Company and Highway Express Co.

Commodities involved: All commodities.

Between: Boston and Worchester, Mass., and Providence, R. I., on the one hand, and Harlem River, N. Y., on the other.

Grounds for relief: Competition with motor carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of

the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-11911; Filed, Oct. 3, 1951; 8:50 a. m.]

[4th Sec. Application 26440]

NATURAL GASOLINE FROM TEXAS TO POINTS IN OKLAHOMA

APPLICATION FOR RELIEF

OCTOBER 1, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for the Atchison, Topeka and Santa Fe Railway Company, Missouri-Kansas-Texas Railroad Company, and Panhandle and Santa Fe Railway Company.

Commodities involved: Natural gasoline, in tankcar loads.

From: Allison, Brisco, Cargray, Heaton, Kingo Mill, Laketon, Mobeetie, Pampa, Skelly-Town and White Deer, Tex.

To: Grandfield, Frederick and Hollister, Okla., and certain other points in Oklahoma.

Grounds for relief: Competition with rail carriers, to apply over short routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: D. Q. Marsh, Agent, ICC No. 3585, supp. 474.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-11912; Filed, Oct. 3, 1951; 8:50 a. m.]

[4th Sec. Application 26441]

WRAPPING PAPER AND PAPER BAGS FROM POINTS IN TEXAS AND LOUISIANA TO CHICAGO, ILL.

APPLICATION FOR RELIEF

OCTOBER 1, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff ICC No. 3959.

Commodities involved: Wrapping paper, paper wrappers and paper bags, in carloads.

From: Fort Worth, Texas, and Spring Hill, La.

To: Chicago, Ill.

Grounds for relief: Competition with rail carriers, circuitous routes, market competition.

Schedules filed containing proposed rates: D. Q. Marsh, Agent, ICC No. 3959, supp. 3.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-11913; Filed, Oct. 3, 1951; 8:50 a. m.]

[4th Sec. Application 26442]

CEMENT FROM CERTAIN STATES TO CHILLI, OKLA.

APPLICATION FOR RELIEF

OCTOBER 1, 1951.

The Commission is in receipt of the above entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff ICC Nos. 3870 and 3934.

Commodities involved: Cement, in carloads.

From: Points in Arkansas, Illinois, Kansas, Missouri, Nebraska, Oklahoma and Texas.

To: Chilli, Okla.

Grounds for relief: Circuitous routes, to maintain grouping, to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: D. Q. Marsh, Agent, ICC No. 3870, supp. 20. D. Q. Marsh, Agent, ICC No. 3934, supp. 14.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-11914; Filed, Oct. 3, 1951; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2715]

WISCONSIN MICHIGAN POWER CO. AND WISCONSIN ELECTRIC POWER CO.

NOTICE OF PROPOSED SALE OF BONDS AT COMPETITIVE BIDDING AND SHARES OF COMMON STOCK TO PARENT COMPANY

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 28th day of September 1951.

Notice is hereby given that a joint application-declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("the act") by Wisconsin Michigan Power Company ("Wisconsin Michigan"), a public utility company, and by its parent Wisconsin Electric Power Company ("Wisconsin Electric"), a registered holding company and also a public utility company. Applicants-declarants have designated sections 6 (b), 9, and 10 of the act and Rules U-43 and U-50, promulgated thereunder, as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than October 12, 1951, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after October 12, 1951, said application-declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt

such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said application-declaration, which is on file in the offices of this Commission, for a statement of the transactions therein proposed, and which are summarized as follows:

Wisconsin Michigan proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $3,500,000 principal amount of First Mortgage Bonds, -- percent Series due 1981. Said bonds will be issued pursuant to a Supplemental Indenture, to be dated October 1, 1951, to Wisconsin Michigan's Mortgage and Deed of Trust, dated July 15, 1936, as supplemented from time to time, the last of said supplements being dated February 1, 1950. The interest rate and the price to the company for the bonds will be determined by competitive bidding, except that the invitation for bids will specify that the price to the company shall not be less than 100 percent nor more than 102.75 percent of the principal amount, plus accrued interest from October 1, 1951.

Wisconsin Michigan also proposes to issue and sell 100,000 additional shares of its common stock, par value $20 per share. Wisconsin Electric, the holder of all the outstanding common stock of Wisconsin Michigan, proposes to purchase one half of said additional shares of common stock on or before December 31, 1951, and the balance on or before June 30, 1952, for a cash consideration equal to the aggregate par value thereof.

The proceeds of the sale of said bonds and additional common stock will be utilized by Wisconsin Michigan, in part, in connection with its 1951–52 construction program and, in part, to retire $1,000,000 principal amount of short term promissory notes maturing February 15, 1952.

The proposed issuance and sale of bonds and additional common stock by Wisconsin Michigan have been submitted to the Michigan Public Service Commission and the Public Service Commission of Wisconsin for their approval. Wisconsin Electric has submitted the proposed acquisition of common stock to this latter Commission for its approval.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 51-11906; Filed, Oct. 3, 1951; 8:49 a. m.]

[File No. 811-438]

PAEPCKE CORP.

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 28th day of September A. D. 1951.

Notice is hereby given that Paepcke Corporation of Chicago, Illinois, has filed an application pursuant to section 8 (f) of the Investment Company Act of 1940 for an order of the Commission declaring that it has ceased to be an investment company within the meaning of the act.

Upon consideration of such application, it appears to the Commission that Paepcke Corporation, incorporated under the laws of the State of Illinois, is a closed-end, non-diversified management investment company registered under the act; that stockholders voted at a special meeting to dissolve the corporation, and the required statutory notice thereof was duly filed with the Secretary of State of Illinois; that there were outstanding 10,857 shares of 7% cumulative preferred stock and 49,761 shares of common stock; that a liquidating dividend has been paid upon the preferred stock, and provision has been made for tax liabilities and the expenses of liquidation; and that no distribution will be made to common stockholders since there are insufficient assets to satisfy in full the prior interests of the preferred stockholders.

All interested persons are referred to said application which is on file in the offices of the Commission in Washington, D. C., for a more detailed statement of the matters of fact and law therein asserted.

Notice is further given that an order granting the application may be issued by the Commission at any time on or after October 22, 1951, unless prior thereto a hearing on the application is ordered by the Commission as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than October 19, 1951, at 5:30 p. m., e. s. t., submit in writing to the Commission his views or any additional facts bearing upon the application or the desirability of a hearing thereon or request the Commission, in writing, that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 51-11904; Filed, Oct. 3, 1951; 8:48 a. m.]

[File No. 812-746]

BANKERS SECURITIES CORP. AND HEARN DEPARTMENT STORES, INC.

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 28th day of September A. D. 1951.

Notice is hereby given that Bankers Securities Corporation ("Bankers") located at No. 1315 Walnut Street, Philadelphia, Pa., has filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 for an order of the Commission granting an exemption from the provisions of section 17 (a) of said act so as to permit Bankers to convert 16,452 shares of the 5 percent Cumulative Convertible Preferred Stock of Hearn Department Stores, Inc. ("Hearn"), located at No. 74 Fifth Avenue, New York, New York, acquired by Bankers through subscription, into 49,356 shares of the Common Stock of Hearn.

Bankers is a closed-end, non-diversified, management company registered under the Investment Company Act of 1940. Bankers owned on September 1, 1951, 39,242 shares of the 5 percent Cumulative Preferred Stock and 135,978 shares of the Common Stock of Hearn constituting 54.01 percent of the outstanding voting securities of Hearn. Accordingly, Hearn is an affiliated person of Bankers within the meaning of section 2 (a) (3) of the act.

In December 1950, Hearn offered for subscription 40,000 shares of its 5 percent Cumulative Convertible Preferred Stock to holders of its Common Stock, and such shares were registered under the Securities Act of 1933 (File No. 2-8698). As a result of such offering, Bankers acquired 39,242 shares of the Hearn Preferred Stock of which 16,452 shares were acquired by subscription and 22,790 shares were acquired as a result of Bankers' standby commitment. An application was filed by Bankers under section 17 (b) of the act to permit of the acquisition by Bankers of the unsubscribed shares and an order granting an exemption was issued by the Commission on December 12, 1950. (Investment Company Act Release No. 1546) Bankers now proposes to convert the 39,242 shares of Hearn Preferred Stock which it owns and has filed the present application with respect to conversion of the 16,452 shares of such stock which it acquired pursuant to subscription.

The proposed conversion of 16,452 shares of Preferred Stock of Hearn (an affiliated person of Bankers) by Bankers is prohibited by section 17 (a) of the act unless, pursuant to section 17 (b), the Commission shall grant an exemption therefrom on evidence establishing that (1) the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned; (2) the proposed transaction is consistent with the policy of Bankers as recited in its registration statement and reports filed under the act and (3) the proposed transaction is consistent with the general purposes of the act.

Bankers has therefore filed an application pursuant to section 17 (b) of the act requesting an order granting exemption from the provisions of section 17 (a) of the act, and asserting that the proposed transaction meets the standards of the act and of section 17 (b) in particular.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is on file in the offices of the Commission in Washington, D. C.

Notice is further given that an order granting the application, in whole or in part and upon such conditions as the

Commission may deem necessary or appropriate, may be issued by the Commission on or at any time after October 18, 1951, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than October 16, 1951, at 5:30 p. m., eastern standard time, submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 51-11905; Filed, Oct. 3, 1951; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 18507]

MARIE SEITZ

In re: Real property owned by Marie Seitz, also known as Maria Hurcsala. F-28-31628.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marie Seitz, also known as Maria Hurcsala, whose last known address is (14a) Stuttgart 13, AM Oberon Weg 15, Wuerttemberg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain real property located in the City of Plainfield, County of Union and State of New Jersey, particularly described in Exhibit A, set forth below and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 27, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

EXHIBIT A

All those certain lots or plots shown and designated on a Certain Map of Property entitled "Plainfield City", in the City of Plainfield, County of Union and State of New Jersey, surveyed June 1920 by H. C. Van Emburgh, C. E. of Plainfield, New Jersey, which said map is to be filed in the Office of the County Clerk of Union County, New Jersey, as and by lots No. 26, 27 and 28, Block K as shown on the said Map, being the same real property conveyed to Maria Hurcsala by Stammer Realty Corporation, a New Jersey Corporation, by Warranty Deed dated January 31, 1934, and recorded in the Office of the Register of Union County, State of New Jersey in Liber 1283 of Deeds at Page 328.

[F. R. Doc. 51-11956; Filed, Oct. 3, 1951; 8:53 a. m.]

[Vesting Order 18508]

KATHARINA BUBECK

In re: Estate of Katharina Bubeck, deceased. Files D-28-3838; E. T. sec. 6495; and F-28-3943.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Helga Stribel, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof, in and to the Estate of Katharina Bubeck, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by J. Franklin Tausch and William G. Neiheiser, as executors, acting under the judicial supervision of the Probate Court, Hudson County, New Jersey;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof, is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 27, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51-11957; Filed, Oct. 3, 1951; 8:53 a. m.]

[Vesting Order 18509]

ERNST AND JOACHIM HAMANN

In re: Rights of Ernst Hamann and of Joachim Hamann under insurance contracts. Files Nos. F-28-21296-H-1, H-2 and H-3.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ernst Hamann and Joachim Hamann on or since the date of Executive Order 8389, as amended, and on or since December 11, 1941 have been residents of Germany and are nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under contracts of insurance evidenced by Policies numbered 9353,661, 4527,898 and 4873,620 issued by the Equitable Life Assurance Society of the United States, New York, New York, to Ernst Hamann, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contracts of insurance except those of the aforesaid Equitable Life Assurance Society of the United States, together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 27, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-11958; Filed, Oct. 3, 1951; 8:53 a. m.]

[Vesting Order 18510]

HANS F. KIDERLEN

In re: Rights of Hans F. Kiderlen under insurance contracts. Files Nos. F-28-26880-H-1 and H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hans F. Kiderlen, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under contracts of insurance evidenced by Policies numbered 8658,651 and 8658,652 issued by The Equitable Life Assurance Society of the United States, New York, New York, to Hans F. Kiderlen, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contracts of insurance except those of Harriet Pires Kiderlen, a resident of the United States, and of the aforesaid Equitable Life Assurance Society of the United States, together with the right to demand, enforce, receive and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Hans F. Kiderlen, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 27, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-11959; Filed, Oct. 3, 1951; 8:54 a. m.]

[Vesting Order 18511]

AUGUST KUMMER

In re: Estate of August Kummer. File No. D-28-13041; E&T No. 17165.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Richard Tietze, Curt Tietze, Willy Klemm, Doris Klemm and Wilhelm Klemm, who last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Alma Klemm, nee Tietze, and of Emilie Tietze, nee Kummer, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the Estate of August Kummer, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by H. W. Short, administrator, d. b. n. acting under the judicial supervision of the Probate Court of Portage County, Ohio;

and it is hereby determined;

5. That to the extent that the persons named in subparagraph 1 hereof, and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Alma Klemm, nee Tietze, and of Emilie Tietze, nee Kummer, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 27, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-11960; Filed, Oct. 3, 1951; 8:54 a. m.]

[Vesting Order 18512]

RICHARD A. SCHUMANN ET AL.

In re: Rights of Richard A. Schumann, et al. under insurance contract. File No. F-28-137-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Richard A. Schumann, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Mrs. Minna Schumann, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 9 531 212 issued by the New York Life Insurance Company, New York, New York, to Richard A. Schumann, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid New York Life Insurance Company, together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Mrs. Minna Schumann, deceased, are not within a designated enemy country, the national interest of the United States requires

that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 27, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-11961; Filed, Oct. 3, 1951; 8:54 a. m.]

[Vesting Order 18516]

CHRISTIANE TROG

In re: Bank account owned by Christiane Trog, nee Pleschner. F-63-10029; A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Christiane Trog, nee Pleschner, whose last known address is Berlin, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Guaranty Trust Company of New York, 140 Broadway, New York 15, New York, arising out of a Custody Cash Account, account number XC-15360, entitled Toepfer-Pleschner-Stiftung "Blocked a/c, Identified a/c", maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Christiane Trog, nee Pleschner, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 27, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-11965; Filed, Oct. 3, 1951; 8:55 a. m.]

[Vesting Order 18517]

THEODOR VOSS

In re: Bond owned by and debt owing to Theodor Voss. F-28-31585.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order, 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Theodor Voss, whose last known address is Kirchhofallee 66, Kiel, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. One (1) St. Louis Southwestern Railway Company 4% Second Mortgage Income Bond, due November 1, 1989, of $1,000.00 face value, bearing the number 10550, and presently in the custody of The State Central Savings Bank, Keokuk, Iowa, in an account for Theodor Voss, and any and all rights thereunder and thereto, and

b. That certain debt or other obligation owing to Theodor Voss by The State Central Savings Bank, Keokuk, Iowa, arising out of the receipt by said bank of interest paid on the bond described in subparagraph 2-a hereof, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Theodor Voss, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 27, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-11966; Filed, Oct. 3, 1951; 8:55 a. m.]

[Vesting Order 18518]

MAX ZOPF AND MARIA ZOPF STROBEL

In re: Bank account owned by Max Zopf and Maria Zopf Strobel. F-28-14584.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Max Zopf and Maria Zopf Strobel each of whose last known address is Frankfort a/m Niederrad Waldstrasse 38, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of The Marine Midland Trust Co. of New York, 120 Broadway, New York, N. Y., arising out of a Savings Account entitled Estate of Ottilie Gessner, account #18995, maintained with the aforesaid Company, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Max Zopf and Maria Zopf Stroebel, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 27, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-11967; Filed, Oct. 3, 1951; 8:55 a. m.]

[Vesting Order 16890, Amdt.]

HERMANN AND MRS. EMMI LOEPER

In re: Stocks and bonds owned by and debt owing to Hermann Loeper, also known as Herman Loeper, and Mrs. Emmi Loeper, also known as Emmi Muchow Loeper.

Vesting Order 16890, dated January 2, 1951, is hereby amended as follows and not otherwise:

a. By deleting from Exhibit B, attached to and by reference made a part of Vesting Order 16890, the year "1928" set forth with respect to Two (2) State of Rio de Janeiro, Brazil, External 30 year 6½% Sinking Fund Gold Bonds and substituting therefor the year "1929",

b. By deleting from subparagraph 2 (e) of said Vesting Order 16890 the par value "12¢" set forth with respect to preferred stock of the Equity Corporation and substituting therefor the par value "$1.00".

All other provisions of said Vesting Order 16890 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on September 27, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-11968; Filed, Oct. 3, 1951; 8:55 a. m.]

GEORGES GABRIEL MOZZANINI AND MAURICE LEBERTRE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Georges Gabriel Mozzanini, La Garenne, France; Maurice Lebertre, Paris, France; Claim No. 5911; property described in Vesting Order No. 293 (7 F. R. 9836, November 26, 1942) relating to United States Patent Application Serial No. 439,320, an undivided one-half thereof to each claimant.

Executed at Washington, D. C., on September 28, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-11969; Filed, Oct. 3, 1951; 8:55 a. m.]

PIAGGIO & C.-SOCIETA PER AZIONI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Piaggio & C.-Societa per Azioni, Genoa, Italy; Claim No. 41263; $450.14 in the Treasury of the United States.

Executed at Washington, D. C., on September 28, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-11970; Filed, Oct. 3, 1951; 8:55 a. m.]

PAUL PHILIPP BARTECZKO

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Paul Philipp Barteczko, Fribourg, Switzerland; Claim No. 42848; $1,571.56 in the Treasury of the United States.

Executed at Washington, D. C., on September 28, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-11971; Filed, Oct. 3, 1951; 8:55 a. m.]

BRUDER EISERT, A. G.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Bruder Eisert, A. G., Vienna, Austria; Claim No. 33519; property described in Vesting Order No. 201 (8 F. R. 625, January 16, 1943), relating to United States Letters Patent No. 2,247,174.

All interests and rights created in the Attorney General by virtue of a license agreement (License No. 2126-F) effective September 25, 1946, by and between the Alien Property Custodian and Victor W. D'Orazi, relating to the aforesaid patent.

All interests and rights created in the Attorney General by virtue of a license agreement (License No. 2244-F) effective March 20, 1947, by and between the Attorney General and Kimberley Industries, Inc., relating to the aforesaid patent.

All interests and rights created in the Attorney General by virtue of a license agreement (License No. 2358-F) effective November 14, 1947, by and between the Attorney General and Neff and Company, Inc., relating to the aforesaid patent.

Executed at Washington, D. C., on September 28, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-11972; Filed, Oct. 3, 1951; 8:56 a. m.]

MARIA FILOSOMI ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Maria Filosomi, Angelo Filosomi, Flavio Filosomi, Ferdinand Filosomi, and Vincenzo Filosomi, all of Grotte di Castro (Viterbo), Italy; Claim No. 40091; a life interest (usufruct) in one-third of $3,330.46 cash in the Treasury of the United States, returnable to Vincenzo Filosomi. $3,330.46 cash in the Treasury of the United States returnable in equal shares to Maria, Angelo, Flavio and Ferdinand Filosomi, subject, however, to the aforementioned life interest of Vincenzo Filosomi.

Executed at Washington, D. C., on September 28, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-11973; Filed, Oct. 3, 1951; 8:56 a. m.]